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JOURNAL

OF THE

Senate of the State of California,

AT THE

ELEVENTH SESSION OF THE LEGISLATURE,

BEGUN ON

THE SECOND DAY OF JANUARY, 1860, AND ENDED ON THE THIRTIETH DAY OF APRIL, 1860, AT THE CITY OF SACRAMENTO.

SACRAMENTO:

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1860.

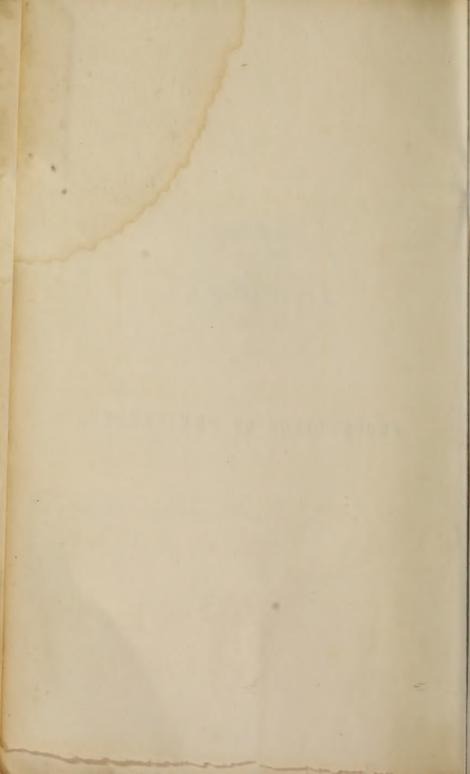


BOUND BY F. POSTER, SACRAMENTO.

JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.



CALIFORNIA LEGISLATURE---IN SENATE.

ELEVENTH SESSION.

Senate Chamber, Monday, January 2d, 1860.

Pursuant to the provisions of the Constitution of the State, the Senate was called to order at twelve o'clock, M. by Hon. Joseph Walkup, Lieutenant-Governor.

The roll of Senators holding over was called by the Secretary, and the following gentlemen answered to their names, to wit:

Messrs. Anderson, Bradley, Ballou, Dent, Denver, Kirkpatrick, Lansing, McDonald, Merritt, Parker, Parks, Quinn, Titus, and Wheeler.

Absent—Messrs. O'Farrell and Redman.

By direction of the President, the roll of Senators elect was next called, and the following gentlemen answered to their names, to wit:

Messrs. Clark, Chase, Crittenden, De la Guerra, Dickinson, Eagon, Edgerton, Franklin, Haynes, Leet, Logan, Peachy, Pico, Ryan, Sharp, Titus, Watkins, and Watson.

Absent-Messrs. Phelps and Vance.

Mr. Anderson offered the following resolution:

Resolved, That a committee of two be appointed to wait upon the Hon. James H. Hardy, and invite him to administer the oath of office to the members.

Adopted.

1sen

The President appointed Messrs. Anderson and Merritt on such committee.

The committee returned with the Hon. James H. Hardy, who administered the eath of office to the Senators elect.

Mr. Lansing offered the following resolution:

Resolved, That the Standing Rules of the last Senate be adopted by this Senate until further ordered, and that a committee of three be appointed by the President, to report suitable rules for the government of this body.

Adopted.

The President appointed the following Committee on Rules: Messrs. Lansing, Dickinson, and Merritt.

On motion of Mr. Dickinson, the Senate adjourned.

Approved.

JOS. WALKUP.

President.

Attest: E. C. PALMER, Sec'y.

IN SENATE.

Senate Chamber, Tuesday, January 3d, 1860.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Messrs. O'Farrell, Phelps, Merritt, and Sharp.

Journals of yesterday read and approved.

Mr. Dickinson offered the following Resolution:

Resolved, That the Senate proceed to the election of officers in the following order:

1. President pro tem.

2. Secretary.

3. Assistant Secretary.

4. Enrolling Clerk.5. Engrossing Clerk.

6. Sergeant-at-Arms.

7. Assistant Sergeant-at-Arms.

Adopted.

Mr. Vance, Senator elect, appeared and took the oath of office.

The President announced nominations in order.

FOR PRESIDENT PRO TEM.

Mr. Parker nominated Mr. Phelps. Mr. Dent nominated Mr. Quinn. Nominations being closed, the roll was called, with the following result:

Anderson 1 Bradley 1 Chase 1 Crittenden 1 De La Guerra 1 Dent 1 Denver 1 Dickinson 1 Eagon 1 Edgerton 1 Franklin 1 Haynes 1 Kirkpatrick 1 Lansing 1 Leet 1 Logan 1 McDonald 1 Parker 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Titus 1 Vance 1 Watkins 1 Watson 1	. Phelps.
Chase. 1 Crittenden 1 De La Guerra 1 Dent 1 Denver 1 Dickinson 1 Eagon 1 Edgerton 1 Franklin 1 Haynes 1 Kirkpatrick 1 Lansing 1 Leet 1 Logan 1 McDonald 1 Parker 1 Parks 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Titus 1 Vance 1 Watkins 1	
Chase. 1 Crittenden 1 De La Guerra 1 Dente 1 Denver 1 Dickinson 1 Eagon 1 Edgerton 1 Franklin 1 Haynes 1 Kirkpatrick 1 Lansing 1 Leet 1 Logan 1 McDonald 1 Parker Parks 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Titus 1 Vance 1 Watkins 1	
De La Guerra 1 Dent 1 Denver 1 Dickinson 1 Eagon 1 Edgerton 1 Franklin 1 Haynes 1 Kirkpatrick 1 Lansing 1 Leet 1 Logan 1 McDonald 1 Parker 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Titus 1 Vance 1 Watkins 1	
De La Guerra 1 Dent 1 Denver 1 Dickinson 1 Eagon 1 Edgerton 1 Franklin 1 Haynes 1 Kirkpatrick 1 Lansing 1 Leet 1 Logan 1 McDonald 1 Parker 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Titus 1 Vance 1 Watkins 1	
Dent 1 Denver 1 Dickinson 1 Eagon 1 Edgerton 1 Franklin 1 Haynes 1 Kirkpatrick 1 Lansing 1 Leet 1 Logan 1 McDonald 1 Parker 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Titus 1 Vance 1 Watkins 1	
Dickinson 1 Eagon 1 Edgerton 1 Franklin 1 Haynes 1 Kirkpatrick 1 Lansing 1 Leet 1 Logan 1 McDonald 1 Parker 2 Parks 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Pitus 1 Vance 1 Watkins 1	
Eagon 1 Edgerton 1 Franklin 1 Haynes 1 Kirkpatrick 1 Lansing 1 Leet 1 Logan 1 McDonald 1 Parker 2 Parks 1 Peachy 1 Pico 1 Redman 1 Byan 1 Fitus 1 Vance 1 Watkins 1	
Edgerton 1 Franklin 1 Haynes 1 Kirkpatrick 1 Lansing 1 Leet 1 Logan 1 McDonald 1 Parker 2 Parks 1 Peachy 1 Redman 1 Syan 1 Vance 1 Watkins 1	
Edgerton 1 Franklin 1 Haynes 1 Kirkpatrick 1 Lansing 1 Leet 1 Logan 1 McDonald 1 Parker 2 Parks 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Vitus 1 Vance 1 Watkins 1	
Franklin 1 Haynes 1 Kirkpatrick 1 Lansing 1 Leet 1 Logan 1 McDonald 1 Parker 2 Parks 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Vitus 1 Vance 1 Watkins 1	
Haynes 1 Kirkpatrick 1 Lansing 1 Leet 1 Logan 1 McDonald 1 Parker 1 Parks 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Fitus 1 Vance 1 Watkins 1	
Kirkpatrick 1 Lansing 1 Leet 1 Logan 1 McDonald 1 Parker 1 Parks 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Fitus 1 Vance 1 Watkins 1	
Leet 1 Logan 1 McDonald 1 Parker 2 Parks 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Itus 1 Vance 1 Watkins 1	
Leet 1 Logan 1 McDonald 1 Parker 2 Parks 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Titus 1 Vance 1 Watkins 1	
Me Donald 1 Parker 1 Parks 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Titus 1 Vance 1 Watkins 1	
Parker Parks 1 Peachy 1 Pico 1 Redman 1 Byan 1 Fitus 1 Vance 1 Watkins 1	
Parks 1 Peachy 1 Pico 1 Redman 1 Ryan 1 Vance 1 Watkins 1	
Peachy	1
Peachy	
Pico 1 Redman 1 Ryan 1 Fitus 1 Vance 1 Watkins 1	
Ryan 1 Fitus 1 Vance 1 Vatkins 1	
Ryan 1 Fitus 1 Vance 1 Watkins 1	
Titus	
Watkins1	
Watkins1	-
Wheeler 1	
Totals	1

Mr. Quinn voted for Mr. Dickinson.

Mr. Quinn having received a majority of all the votes cast, was declared duly elected.

FOR SECRETARY.

Mr. McDonald nominated J. R. Beard. Mr. Parker nominated Mr. Egenbrodt.

Names.	Beard.	Egenbrodt.
Anderson Bradley Chase. Crittenden De la Guerra Dent Denver Dickinson Eagon Edgerton Franklin Haynes Kirkpatrick Lansing Leet Logan McDonald Parker Parks. Peachy Pico Quinn Redman Ryan Titus Vance Watkins Watson	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1
Totals	28	1

Mr. Beard having received a majority of all the votes cast, was declared duly elected.

FOR ASSISTANT SECRETARY.

Mr. Denver nominated David J. Williamson.

Names.	Williamson
Anderson	 1
Bradley	1
Chase	1
Crittenden	 1
De la Guerra	1
Dent	 1

Names.	Williamson.
Denver	1
Dickinson	1
Eagon	1
Edgerton	1
Franklin	1
Haynes	1
Kirkpatrick	1
Lansing	1
Leet	1
Logan	1
McDonald	1
Parks	1
Peachy	1
Pico	1
Quinn	1
Redman	1
Ryan	1
ritus	1
Vance	1
Watkins	1
Watson	1
Total	27

Mr. Parker declined to vote.

Mr. Williamson having received all the votes cast, was declared duly elected.

FOR ENROLLING CLERK.

Mr. Watkins nominated C. Hawkins.

Mr. Parker nominated G. H. Ensign.

Names.	Hawkins.	Ensign
Anderson	. 1	
Bradley	. 1	
Chase	. 1	
Crittenden	. 1	
De la Guerra	1 1	
Dent	i	
Denver	. i	
Dickinson	li	
Eagon	l î l	
Edgerton	i	
Franklin	i	
Haynes	Î	

Names.	Hawkins.	Ensign.
Kirkpatrick	1	
Lansing	1	
Leet	1	
Logan	1	
McDonald	1	
Parker		1
Parks	1	
Peachy	1	
Pieo	1	
Quinn	1	
Redman	i	
Ryan	î	
Titus	î	
Vance	Î	
Watkins	î	
Watson	î	
Wheeler	1	
TT MODICE	-	
Totals	28	1
Totals	40	1

Mr. Hawkins having received a majority of all the votes cast, was declared duly elected.

FOR ENGROSSING CLERK.

Mr. Redman nominated W. S. Letcher, of Santa Clara.

Nominations being closed, the roll was called, with the following result:

	Names.	Letcher
Anderson		1
Bradley		1
Chase		1
Crittenden		1
TO 1 0	***************************************	1
Dent		1
T		1
Dickinson		1
Eagon		1
0	555555555555555555555555555555555555555	1
77 . 11'		1
TT		1
		1
	080000000000000000000000000000000000000	î
T		î
T		î
		1

Names.	Letcher
Parks	1
Peachy	1
Pico	1
Quinn	1
Redman	1
Ryan	1
Titus	1
Vance	1
Watkins	1
Watson	î
Wheeler	î

Total	28
Total	28

Mr. Letcher having received all the votes cast, was declared duly elected.

FOR SERGEANT-AT-ARMS.

Mr. De La Guerra nominated W. H. Bell.

Names.	Bell.
Anderson	1
Bradley	1
Chase	1
Crittenden	1
De la Guerra	1
Dent	1
Denver	1
Dickinson	1
Eagon	1
Edgerton	1
Franklin	1
Haynes	1
Kirkpatrick	1
Lansing	1
Leet	1
Logan	1
McDonald	1
Parks	1
Peachy	1
Pico	1
Quinn	1
Redman	1
Ryan	1
litus	î

Names.	Bell
Vance	1
Watkins	1
Watson	1
Wheeler	1
Total	28

Mr. Bell having received all of the votes cast, was declared duly elected.

FOR ASSISTANT SERGEANT-AT-ARMS.

Mr. Bradley nominated John McClenchy. Nominations being closed, the roll was called, with the following result:

Names	McClenchy
Anderson	1
Bradley	1
hase	1
Prittenden	1
De la Guerra	1
Pent	1
Denver	1
Diekinson	1
iagon.	1
Sidgerton	1
ranklin	1
Iavnes	ī
lirkpatrick	1
acsing.	1
.001	1
0220	î
de Donaldbleaof of	1
4rks	1
eachy	1
	i
uinn	1
edman	1
van	1
itus	i
ance	1
atkins	i
i acson	î
Vbeeler	î
Total	98

Mr. McClenchy having received all the votes cast, was declared duly elected.

On motion of Mr. Lansing, the officers elected came forward and took

the oath of office.

Mr. Dickinson offered the following resolution:

Resolved, That the Secretary be directed to inform the Assembly that the Senate has organized by the selection of the following permanent officers, and is ready to proceed with legislative business:

J. N. Quinn	President, pro tem.
J. R. Beard	
D. J. Williamson	
Cyril Hawkins	Enrolling Clerk.
W. S. Letcher	Engrossing Clerk.
W H. Bell	Sergeant-at-Arms.
J. McGlenchyAssists	

Mr. Peachy moved that the Senate go into an election for a Chaplain. Upon which the aves and noes were demanded by Messrs. Dent, Lansing, and Bradley, and taken with the following result: ayes, 12-noes,

AYES—Messrs. Franklin, Haynes, Leet, McDonald, Parker, Parks, Peachy, Redman, Ryan, Titus, Vance, and Watson—12.

Noes—Anderson, Bradley, Clark, Chase, Crittenden, De la Guerra, Dent, Denver, Dickinson, Eagon, Edgerton, Kirkpatrick, Lansing, Logan, Pico, Quinn, Watkins, and Wheeler-18.

So the motion was lost.

Mr. Bradley moved to reconsider the vote just taken.

Lost.

Mr. Dickinson offered the following concurrent resolution:

Resolved, By the Senate, the Assembly concurring, that the Senate and Assembly will meet in Joint Convention on Wednesday, the fourth day of January, A. D. 1860, at twelve o'clock, M. for the purpose of reopening and publishing the vote had for Governor and Lieutenant-Governor at the September election, 1859.

Adopted.

Mr. Quinn offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be directed to furnish each member of the Senate with five daily papers, published in this State, or their equivalent in weeklies.

Adopted.

Mr. Redman offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that a committee of three from each House be appointed to wait upon the Governor, and inform him of the organization of the two Houses, and that they are ready to receive any communication he may be pleased to make.

Adopted.

The President appoined the following committee: Messrs. Redman, Bradley, and Anderson.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Mr. President.—I am instructed to inform the Senate that the Assembly has organized by the election of the following officers:

Phil. Moore	Speaker.
J. M. Anderson	
R. K. WestonAssist	
C. W. TozerSergean	t-at-Arms.
Wm. Newsom Assistant Sergean	
H. C. KibbeEnrolli	ing Clerk.
E. W. Casey Engross	ing Clerk.

And that the Assembly is now ready to proceed to business.

C. GILMAN,
JANUARY 3, 1860.

Clerk.

INTRODUCTION OF BILLS.

Mr. Titus, by leave, introduced a bill, without notice, for An Act to appropriate money for postage and express purposes during the present session of the Legislature.

Which was read first and second times, rules suspended, bill considered,

engrossed, read a third time, and passed.

On motion of Mr. Anderson, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary authorized to immediately transmit the bill to the Assembly.

Mr. Leet offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized to employ a Paperfolder for the Senate, and that he receive three dollars per day, out of the appropriation for the payment of the officers of the Senate.

Adopted.

Mr. Bradley asked, and obtained, leave of absence for Mr. Sharp for one day.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

MR. PRESIDENT:—The Assembly have this day concurred in— Senate Concurrent Resolution No. 1, relative to Joint Convention;

Also, Senate Concurrent Resolution No. 2, relative to informing the Governor of the organization of the Legislature, and have appointed, on the part of the Assembly, Messrs. Lamar, Ellis, and Rodgers of San Francisco;

Also, passed Senate Bill No. 1, with an amendment, and ask the concurrence of the Senate.

R. K. WESTON,

Ass't Clerk of Assembly.

JANUARY 3, 1860.

Mr. Bradley offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that the Secretary of the Senate and the Chief Clerk of the House are constituted a Special Committee for the examination of the enrollment of Senate Bill No. 1. An Act to appropriate money for postage and express purposes during the present session of the Legislature, and that the operation of Joint Rule Six is hereby suspended, so far as it applies to said bill.

Adopted.

On motion of Mr. Dickinson, the Senate took a recess for one hour. The Senate reassembled at the appointed hour.

REPORT.

Mr. Redman made the following report:

Mr. President:—The Joint Select Committee, appointed to wait upon the Governor and inform him of the organization of the Legislature, and its readiness to receive any communication he might be pleased to make, report that they have conferred with His Excellency, and that he will, on to-morrow, at 11 o'clock, transmit to the Senate and Assembly a Message.

R. A. REDMAN. JAMES ANDERSON, B. T. BRADLEY, Senate Committee. J. B. LAMAR, R. B. ELLIS. DANIEL ROGERS. Assembly Committee.

Accepted. On motion of Mr. Lansing, the Senate adjourned.

> JOS. WALKUP, President.

Attest: J. R. BEARD, Secretary of Senate.

IN SENATE.

SENATE CHAMBER, Wednesday, January 4, 1860.

Senate met, pursuant to adjournment. The President in the Chair. Roll called.

Quorum present.

Journals of yesterday read and approved. Mr. Phelps, Senator elect, appeared and took the oath of office.

Mr. Dickinson asked and obtained leave of absence for Mr. Crittenden for one day.

Mr. Titus presented the proceedings of the late Railroand Convention,

held in San Francisco, in accordance with a Joint Resolution passed by the Legislature at its Tenth Session, one thousand eight hundred and fifty-nine;

Also, a petition from the Secretary of said Convention relative to making an appropriation to defray the expenses incurred by the Conven-

tion.

On motion of Mr. Titus, the rules were suspended, and the following Concurrent Resolution was introduced and adopted:

Resolved, By the Senate, the Assembly concurring, that a Joint Committee, of three from each House, be appointed to take into consideration, and report upon all the papers connected with the report of the proceedings of the Pacific Railroad Convention.

The President appointed the following Committee: Messrs. Titus, Peachy, and Kirkpatrick.

NOTICES OF BILLS.

Mr. Anderson gave notice that he would, on to-morrow, or at an early day, introduce a bill Extending the privileges of the Homestead Law to certain persons, and to regulate the creation of the same.

Mr. Bradley gave notice that he would, at an early day, introduce a bill Concerning the offices of Supervisors and Treasurer of Calaveras

County.

Mr. Dickinson in the Chair.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, January 3d, 1860.

To the Senate of California:

I have to inform your Honorable Body that in September last a vacancy occurred in the United States Senate, in consequence of the death of the Hon. D. C. Broderick, which was filled by the temporary appointment of the Hon. H. P. Haun. As it is the duty of the present Legislature to elect a Senator for the unexpired term, your early attention is called to this subject.

JOHN B. WELLER.

Mr. Merritt offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that the Senate and Assembly meet in Joint Convention, in the Assembly hall, on Thursday, the fifth day of January, one thousand eight hundred and sixty, at twelve o'clock, M. for the purpose of electing a United States Senator, to fill the vacancy occasioned by the death of Hon. D. C. Broderick.

Pending which, Mr. Lansing moved a call of the Senate.

Carried.

President in the Chair.

Roll called.

Absent-Messrs. Clark, Eagon, Edgerton, O'Farrell, Redman, and Watson.

Messrs. Redman and Watson, appearing at the bar of the Senate, were admitted.

Mr. Parker moved that further proceedings under the call be dispensed with.

Lost.

Mr. Lansing moved that further proceedings under the call be dispensed with.

Lost.

Mr. Edgerton appearing at the bar of the Senate, was admitted.

Mr. Denver moved that further proceedings under the call be dispensed

Lost.

Mr. Eagon appearing at the bar of the Senate, was admitted.

On motion of Mr. Dent, further proceedings under the call were dispensed with.

Mr. Kirkpatrick offered the following amendment:

Strike out the words "Thursday, the fifth day of January, one thousand eight hundred and sixty," and insert "Thursday, January tenth, one thousand eight hundred and sixty."

Upon which the ayes and noes were demanded by Messrs, Quinn, Dickinson, and Eagon, and taken with the following result: Ayes, 20-noes, 12:

AYES-Messrs. Bradley, Ballou, De la Guerra, Dent, Denver, Eagon, Edgerton, Kirkpatrick, Lansing, Leet, Logan, McDonald, Parker, Peachy, Phelps, Quinn, Ryan, Vance, Watkins, and Wheeler-20.

Noes-Messrs. Anderson, Chase, Dickinson, Franklin, Haynes, Merritt,

Parks, Pico, Redman, Sharp, Titus, and Watson-12.

So the amendment was adopted.

The question recurring upon the resolution as amended, it was lost.

President pro tem. in the Chair.

On motion of Mr. Phelps, the Secretary was instructed to inform the Assembly that the Senate was now ready to meet the Assembly in Joint Convention.

On motion of Mr. Anderson, the Senate took a recess for five minutes. Senate reassembled at the appointed time.

Roll called.

Members all present.

MESSAGE FROM THE ASSEMBLY.

The following verbal message was received from the Assembly:

Mr. President:—I am directed to inform the Senate that the Assembly is now ready to meet the Senate in Joint Convention, relative to counting the votes for Governor and Lieutenant-Governor.

> J. M. ANDERSON, Clerk.

The hour having arrived for the Joint Convention of the two Houses, to canvass the votes for Governor and Lieutenant-Governor, the Senate proceeded with the President and its officers to the Assembly Chamber.

IN JOINT CONVENTION.

Convention called to order by the President of the Senate.

Senate roll called.

Quorum present.
Assembly roll called.

Quorum present.

Concurrent Resolution adopted by the Senate and Assembly for the Joint Convention read, and the President announced the canvassing of the returns for Governor and Lieutenant-Governor to be in order.

On motion of Mr. Phelps, two tellers were appointed to count the votes

-one on part of the Senate, and one on part of the Assembly.

Mr. Phelps was appointed on part of the Senate.

Mr Yancy was appointed on part of the Assembly.

The returns being opened, the President announced the following result:

VOTE FOR GOVERNOR AND LIEUTENANT-GOVERNOR.

								-
	M S.	John	L. Sta	J. G.	John	J. F.	Jose Rubio	Scattering
COUNTIES.	La	Curry	Stanford	Downey	Conness	Kennedy	Rub	HITT
	Lathan	пту	rd.	wne	nne	ned	10.	130
	P .			Ÿ.	55	y.	:	:
Mariposa	1,462	212	8	1,474	138	57		-
Napa	810	1	14	786				
Frezno	359	11	1	353	9	1		
Alameda	1,066	664	299	1,045	689	290		
Sonoma	1,981	1,148	64	1,966		52		
Nevada	3,185	2,534	581	3,113	2,507	627		
El Dorado	3,096	2,413	408	2,978	2,475	364		
Plumas	882	649	193	868	659			
Tuolumne	3,723	737	969	3,607	791	985		
Marin	467	75	67	473	59	67		
Sierra	2,814	1,666	295	2,784	1,570			
Sacramento	3,526	2,678	228	3,201	2,977	199		
Placer	2,326	1,117	896	2,216	1,055	937		
Mendocino	730	85	11	727	79	4		
Tehama	770	92	35	763	89	40 -1		
Colusa	541	166	15	528	162			
Butte	1,915	1,666	354	1,789	1,649			
Sutter	695	159	87	689	154	90		
Santa Clara	1,407	367	626	1,331	142	915		
San Diego	259	1	17	216	_	-	38	
Stanislaus	389	106	13	385	109			
San Francisco	4,747	2,943		4,322	2,742	3,585		4
Shasta	1,456	432	8	1,395	474	2		
San Joaquin	1,806		209	1,781	887	212		
Solano	1,172	827	88	1,218	749	104		
Humboldt	397	372	83	383	288	77		
Trinity	1,285	829	4	1,264	834			
Yolo	757	568	66	745	578	62	• • •	• • •
Totals	44,023	24,180	8,466	41,400	23,916	9,935	38	4

WHOLE NUMBER OF VOTES CAST FOR GOVERNOR AND LIEUT. COVERNOR.

Whole number of votes cast for Governor	76,669 75,251

WHOLE NUMBER OF VOTES CAST FOR GOVERNOR.

The tellers having counted the votes for Governor, the President announced the whole number of votes cast for Governor, seventy-six thousand six hundred and sixty-nine.

For M. S. Latham	24,180
Total	76,669

FOR LIEUTENANT-GOVERNOR.

The tellers having counted the votes for Lieutenant-Governor, the President announced the whole number of votes east for Lieutenant-Governor, seventy-five thousand two hundred and fifty-one.

For John G. Downey	41,420
For John Conness	23,916
For James F. Kennedy	9.935
For José Rubio	38
Total	75.309
	,

COUNTIES FROM WHICH NO DUPLICATE RETURNS WERE RECEIVED.

The certificates from the following counties were legally forwarded to the Secretary of State, but duplicates of the same were not sent to the Speaker:

COUNTIES.	M. S. Latham.	John Curry	L. Stanford	J. G. Downey.	John Conness.	J. F. Kennedy.
Amador	1,066	664	299	1,045	689	290
Calaveras	3,275	1,391	35	3,209	1,432	24
Contra Costa	805	378	41	834	338	42
Del Norte	392	126	18	392	128	17
Klamath	607	120	1	613	111	1
Los Angeles	1,916	49	220	1,479	37	217
Merced	231	32	1	226	26	7
Monterey	495	175	46	496	175	47
San Bernardino	532	6	39	490	6	46
San Luis Obispo	284	30	30	293	17	31
San Mateo	420	418	105	417	412	107
Santa Barbara	431		35	425		32
Santa Cruz	496	451	150	489	460	150
Siskiyou	2,159	1,303	43	2,138	1,333	39
Tulare	821	63	11	794	71	12
Yuba	2,442	1,471	437	2,420	1,472	430
Totals	16,372	6,677	1,511	15,760	6,707	1,492

FOR GOVERNOR.

For M. S. Latham.	16,372
John CurryLeland Stanford	6,677 1,511
Total	24,560

FOR LIEUTENANT-GOVERNOR.

For John G. Downey	15,760 6,707
For James F. Kennedy	1,492
Total	23,959

The objects for which the convention convened, having been accomplished, the convention adjourned, and the Senate returned to its chamber.

IN SENATE.

President in the chair. Roll called.

Quorum present.

Mr. Kirkpatrick offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives requested, to use their best exertion to procure the passage of an act, creating, with convenient boundaries, a new territory in Western Utah.

Resolved, That His Excellency, the Governor, be requested to forward a copy of the above resolution to each of our Senators and Representa-

tives in Congress at as early a day as practicable.

Adopted.

Mr. Lansing offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that a Joint Committee of three from each House be appointed to wait upon the Governor and Lieutenant-Governor elect and ascertain at what time they desire the ceremonies of inauguration to be performed.

Adopted.

The President appointed the following committee:

Messrs. B. Lansing, McDonald, and Parker. Mr. Leet offered the following resolution:

Resolved, That the present Lieutenant-Governor appoint a committee on mileage, and further, that the committee so appointed report the amount of mileage due Senators, at their earliest convenience.

Adopted.

The President appointed the following committee:

Messrs. Ballou, Parker, and De la Guerra.

On motion of Mr. Quinn the Senate adjourned. Approved.

JOS. WALKUP,
President.

Attest: J. R. Beard, Secretary.

IN SENATE.

SENATE CHAMBER, Thursday, January 5th, 1860.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Journals of yesterday read and approved.

Mr. McDonald asked, and obtained, leave for Mr. Clark, for his non-attendance on yesterday.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, January 5, 1860.

To the Senate of California:

I hereby nominate and appoint A. Grey Morgan, Esq., Commissioner of Immigrants for the port of San Francisco, and respectfully solicit the confirmation of your honorable body.

JOHN B. WELLER.

On motion of Mr. Merritt, the Senate went into Executive Session, to

consider the message just received from the Governor.

The question being: Will the Senate consent to the appointment of A. Grey Morgan as Commissioner of Immigrants for the port of San Francisco.

The roll was called with the following result: Ayes, 28-noes, none.

AYES—Messrs. Anderson, Bradley, Ballou, Clark, Chase, Crittenden, Dent, Denver, Dickinson, Edgerton, Franklin, Haynes, Lansing, Leet, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Quinn, Ryan, Sharp, Titus, Vance, Watkins, Watson, and Wheeler—28.

DECLINED-Mr. Phelps declined to vote.

So the appointment was confirmed.

Mr. Dickinson offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that a Joint Committee of three from each House be appointed to report joint rules for the government of the two Houses.

Adopted.

The President announced the following committee on part of the Senate:

Messrs. Dickinson, Quinn, and Anderson.

Mr. Merritt (by leave) introduced a bill for An Act relating to the Thirteenth Judicial District, and to define the time of holding the Court in said District.

Which was read first and second times, rules further suspended, bill considered and engrossed, read a third time, and passed.

Mr. Quinn moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Dickinson, O'Farrell, and Leet, and taken with the following result: Ayes, 17—noes, 16.

AYES—Messrs. Bradley, Clark, Crittenden, Dent, Denver, Lansing, Leet, Logan, McDonald, Parker, Peachy, Phelps, Quinn, Ryan, Sharp, Vance, and Watkins—17.

Noes-Messrs. Anderson, Ballou, Chase, De la Guerra, Dickinson, Edgerton, Franklin, Haynes, Merritt, O'Farrell, Parks, Pico, Redman, Titus, Watson, and Wheeler-16.

So the Senate adjourned. Approved.

JOS. WALKUP,
President.

Attest: J. R. BEARD, Secretary.

IN SENATE.

SENATE CHAMBER, Friday, January 6th, 1850.

Senate met pursuant to adjournment. President in the chair.

Roll called.

Journal of yesterday read and approved.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, January 4th, 1860.

MR. PRESIDENT:—I am directed by the Assembly to inform the Senate that the Assembly have passed Concurrent Resolution No. 2, Relative to granting leave of absence to W. W. Porter, in which they ask the concurrence of the Senate.

The resolution is herewith presented.

J. M. ANDERSON, Clerk Assembly.

Assembly Concurrent Resolution, No. 2, Relative to granting leave of absence to W. W. Porter, taken up and adopted.

Mr. Dickinson offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that the two Houses meet in Joint Convention on Saturday, the seventh day of January, A. D. 1860, at 12 o'clock, M., for the purpose of electing an United States Senator to fill the vacancy occasioned by the death of the late Hon. David C. Broderick.

Mr. Quinn moved to lay the resolution on the table.

Upon which the ayes and noes were demanded by Messrs. Parks, Lansing, and Dickinson.

Pending which, Mr. Lansing moved a call of the Senate.

Roll called.

Absent-Messrs. De la Guerra, Peachy, Pico, and Watson.

Messrs. Peachy and Pico, appearing at the bar of the Senate, were admitted.

Mr. Parks moved that further proceedings under the call be dispensed with.

Lost.

On motion of Mr. Phelps further proceedings under the call were dispensed with.

The question recurring on the motion of Mr. Quinn to lay on the table. The roll was called and taken, with the following result: Ayes, 17—noes, 16.

AYES—Bradley, Crittenden, Dent, Denver, Eagon, Edgerton, Kirkpatrick, Lansing, Leet, Logan, McDonald, Peachy, Quinn, Ryan, Sharp Vance, and Watkins—17.

Noes-Messrs. Anderson, Ballou, Clark, Chase, Dickinson, Franklin, Haynes, Merritt, O'Farrell, Parker, Parks, Phelps, Pico, Redman, Titus, and Wheeler—16.

So the motion was laid on the table.

INTRODUCTION OF BILL.

Mr. Sharp (by leave) introduced a bill for An Act to authorize the Commissioners of the Funded Debt of the city of San Francisco to reissue certain bonds of the city of San Francisco to John B. Dickinson.

Read first and second times and referred to the San Francisco delega-

REPORT.

Mr. Ballou, Chairman of the Committee on Mileage, made the following report:

MR. PRESIDENT:—The Special Committee on Mileage report the following number of miles traveled by Senators and Lieutenant-Governor-

Names.	Miles.	Amount.
Anderson	70	\$14 00
Bradley	164	32 80
Ballou	290	58 00
Chase	170	34 00
Crittenden	92	18 40
De la Guerra	870	174 00
Dent	175	35 00
Denver	100	20 00
Dickinson	132	26 40
Eagon	110	22 00
Edgerton	120	24 00
Franklin	230	46 00
Haynes	930	186 00
Kirkpatrick	220	44 00
Lansing	130	26 00
Leet	140	28 00
Logan	290	58 00
Merritt	290	58 00
O'Farrell	280	56 00
Parker	234	46 80
Parks	136	27 20
Peachy	234	46 80
Phelps	292	58 40
Pico	1,100	220 00
Quinn	250	50 00
Redman	300	60 00
Ryan	780	156 00
Sharp	234	46 80
Titus	100	20 00
Vance	156	31 20
Watkins	100	20 00

Names.	Miles.	Amount.
Watson	490	98 00
Wheeler	100 94	20 00 18 80
-		
Totals	9,403	\$1,880 60

BALLOU, Chairman.

Adopted.

On motion of Mr. Merritt, the Forty-fifth Standing Rule of the Senate was suspended, and the Secretary authorized to immediately transmit Senate Bill No. 2, An Act relating to the Thirteenth Judicial District, and to define the time of holding the Court in said district.

Mr. Lansing offered the following resolution:

Resolved, That the Secretary and Assistant-Secretary of the last session are hereby allowed one week's pay, each payable out of the Contingent Fund of the Senate.

Mr. Bradley moved to amend by inserting "Sergeant-at-Arms and Assistant Sergeant-at-Arms."

Which was accepted by Mr. Lansing.

Mr. Merritt moved to further amend by inserting "Porters and Pages." Lost.

Mr. Merritt moved to amend by striking out "Sergeant-at-Arms and Assistant Sergeant-at-Arms."

Carried.

The question recurring on the original resolution it was adopted.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

Mr. PRESIDENT:—I am directed to inform the Senate that the Assembly have concurred in Senate Resolution relative to the appointment of a Joint Committee to wait on the Governor and Lieutenant-Governor elect and ascertain their wishes in regard to the Inaugural ceremonies, and have appointed Messrs. Ellis, Groom and Malarin, the committee on the part of the House;

Also, have concurred in resolution relative to Joint Rules, and have

appointed Messrs. Lamar, Gwynn, and Laspeyre, for the House;

Also, Concurred in Senate Resolution relative to an act asking Congress

to create a new territory in Western Utah;

Also, concurred in resolution in relation to the appointment of a Joint Committee of three from each House to consider the report of the proceedings of the Pacific Railroad Convention;

Also, concurred in Resolution in relation to enrolling Senate Bill No. 1,

An Act to appropriate money for Postage, etc.

J. M. ANDERSON,

Clerk Assembly.

Mr. President:—I am directed by the Assembly to inform the Senate that the Assembly on yesterday adopted Assembly Concurrent Resolution, fixing Tuesday next for the purpose of electing a United States Senator and ask the concurrence of the Senate.

J. M. ANDERSON,

Clerk of Assembly.

JANUARY 5th, 1860.

Assembly Concurrent Resolution relative to Joint Convention for the election of United States Senator, was taken up.

Resolved, By the Assembly, the Senate concurring, that the two Houses meet in Joint Convention in the Assembly Chamber on Thursday next, at twelve o'clock, M. for the purpose of electing a United States Senator to fill the vacancy occasioned by the death of Hon. David C. Broderick.

Mr. Dent moved a call of the Senate.

Carried.

Roll called.

Absent-Mr. Watson.

Sergeant-at-Arms dispatched for absentees.

Mr. Quinn moved that all further proceedings under the call be dispensed with.

Lost.

On motion of Mr. Watkins all further proceedings were dispensed with.

Mr. Quinn moved to lay the motion on the table.

Upon which the ayes and nocs were demanded by Messrs. Merritt, Parks, and Anderson, and taken, with the following result: Ayes, 19—noes, 15.

AYES—Messrs. Bradley, Crittenden, De la Guerra, Dent, Denver, Eagon, Edgerton, Kirkpatrick, Lansing, Leet, Logan, McDonald, Parker, Peachy, Quinn, Ryan, Sharp, Vance, and Watkins—19.

Noes-Anderson, Ballou, Clark, Chase, Dickinson, Franklin, Haynes, Merritt, O'Farrell, Parks, Phelps, Pico, Redman, Titus, and Wheeler-

15.

So the resolution was laid on the table.

Mr. McDonald offered the following resolution:

Resolved, That Alphonso B. Smith be, and he is hereby, appointed Post-Office Page to this body, with the pay of Page, payable out of the Contingent Fund of the Senate.

Upon which the ayes and noes were demanded by Messrs. Dickinson, Lansing, and Anderson, and taken, with the following result: Ayes, 22—noes 10.

AYES—Messrs. Bradley, Clark, Chase, Crittenden, De la Guerra, Denver, Eagon, Haynes, Lansing, Leet, Logan, McDonald, Merritt, Parker, Parks, Peachy, Pico, Redman, Ryan, Sharp, Vance, and Wheeler—22.

Noes-Messrs. Anderson, Dent, Dickinson, Edgerton, Franklin, O'Farrell, Phelps, Quinn, Titus, and Watson-10.

So the resolution was adopted.

Mr. Ballou offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that our delegation in Congress be requested to use all honorable means within their power to secure the passage of an act, by the General Government, for a survey and establishment of the eastern boundary of California within one year.

Resolved. That the Governor be requested to forward a copy of this

resolution to each of our delegation in Congress.

Adopted.
Mr. Merritt in the chair.
On motion of Mr. Leet the Senate adjourned.
Approved.

JOS. WALKUP,
President.

Attest: J. R. BEARD, Secretary.

IN SENATE.

SENATE CHAMBER, Saturday, January 7th, 1860.

Senate met, pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Quinn asked and obtained leave of absence for Mr. McGlenchy, Assistant Sergeant-at-Arms, for one day.

Mr. Leet offered the following resolution:

Resolved, That the Secretary of the Senate be authorized to employ one Printer's Clerk and one General Clerk, at the rate of eight dollars per day, payable out of the Contingent Fund of the Senate.

Mr. Merritt moved to lay the resolution on the table. Carried.

MESSAGES FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department, Sacramento, December 7th, 1860.

To the Senate of California:

I have the honor to inform your Honorable Body that, on Monday next at eleven o'clock, A. M., my Annual Message will be transmitted to you.

J. B. WELLER.

The following message was received from the Governor:

State of California, Executive Department, Sacramento, January 6th, 1860.

To the Senate of California:

I have to inform your Honorable Body that Charles J. Brenham and C. M. Hitchcock were appointed by me Fund Commissioners of San Francisco. I respectfully request your Honorable Body to confirm the said appointments.

J. B. WELLER.

Mr. O'Farrell moved that the Senate go into Executive Session. Lost.

NOTICE OF BILL.

Mr. Ballou gave notice that he would, on to-morrow, introduce a bill for An Act to authorize District Courts to change Proper Names, under certain circumstances.

Mr. Watkins offered the following resolution:

Resolved, That the Sergeant-at-Arms and Assistant Sergeant-at-Arms of the previous session be allowed pay for six days' services, rendered the present session, at the per diem named by law, payable out of the Contingent Fund of the Senate.

Upon which the ayes and noes were demanded by Messrs. Clark, Merritt, and Parks, and taken, with the following result: Ayes, 21—noes, 13.

AYES—Messrs. Bradley, Ballou, Crittenden, Dent, Denver, Eagon, Edgerton, Lansing, Leet, McDonald, O'Farrell, Parker, Peachy, Quinn, Ryan, Sharp, Titus, Vance, Watkins, Watson, and Wheeler—21.

Noes-Messrs. Clark, Chase, De la Guerra, Dickinson, Franklin, Haynes, Kirkpatrick, Logan, Merritt, Parks, Phelps, Pico, and Redman

—13

So the resolution was adopted.

MESSAGE FROM THE SECRETARY OF STATE.

The following message and accompanying documents were received from the Secretary of State:

STATE OF CALIFORNIA, OFFICE OF SEC'Y OF STATE. January 7th, 1860.

Hon. Jos. WALKUP,

President of the Senate:

SIR:—I have the honor to transmit herewith a statement of the manner in which the Contingent Fund of the Secretary of State, the Contingent Fund of the State Library, and the Stationery, Fuel, Lights, etc., Fund have been expended by me during the year ending December 31, 1859.

Very respectfully, FERRIS FORMAN,

Secretary of State.

STATEMENT

Of Accounts paid ont of Appropriation for Stationery and Lights.

1859.	TENTH FISCAL YEAR.		
Tanuamy 6	City Water Works	\$30	00
Sanuary6	Firderer & Caduc, for Coal	540	
10	Charles Forman, for Indexes	29	
	Burton & McCarty, for Candles	21	
	Charles Forman, for Merchandise	32	
	Cook, Mott & Co., for Maps, etc	13	
26	C. Brown, for Labor on Capitol	16	
February1	M. Martin, for Labor on Capitol	30	00
2	Sacramento Gas Works, for Gas	142	00
	Charles Forman, for Sundries	19	37
	Nevitt & Co., for Repairing Roof	98	00
7	William B. Hunt, for Flag	100	00
19	W. H. Spaulding, for Repairing Speaker's Desk	13	00
March1	M. Martin, for Fireman	50	00
1	H. H. Bancroft & Co., for Stationery	197	25
$\hat{2}$	Sacramento Gas Company, for Gas	180	50
9	City Water Works, for Water	50	00
	Firderer & Caduc, for Coal	130	
	J. P. Muldoon, for Plumbing		00
	Charles Forman, for Sundries		50
	Sacramento Gas Company, for Gas	141	
	M. Martin, for Fireman		00
	C. Binney, for Stationery		00
	G. Rowland, for Labor		00
	J. M. Jordan, for Dusters	20	00
	J. P. Muldoon, for Plumbing		00
	M. Martin, for Fireman		00
	J. J. Murphy, for Stationery		00
	James Penny, for Labor on Capitol		00
	C. Brown, for Labor on Capitol		00
	Sacramento Gas Company, for Gas	135	
June2	Sacramento Gas Company for Gas		00
4	City Water Works, for Water		00
16	J. P. Muldoon, for Plumbing		00
30	H. H. Bancroft & Co., for Stationery	368	
30	C. Brown, for Labor		00
30	F. Hanbridge, for Gas Burner		50
30			
	Total	\$2,768	12
	ELEVENTH FISCAL YEAR.		
July14	H. J. Bidleman & Co., for Stationery	51	00
August1	J. O'Meara, for Blank Books	505	00
22	H. H. Bancroft & Co., for Stationery	19	00
	Carried forward	\$3,343	12

STATEMENT-Continued.

	Brought forward	QU 212	7
1859.			
	rles Forman, for Sundries	50	
Contombon 10 I. I	I. Bancroft & Co., for Stationery	77	
September 10 J. J.	Murphy, for Stationery	25	
	fartin, for Labor on State House	40	
October 6 Char	rles Forman, for Sprinkling Street	22	-
	orman, for Expenses to San Francisco	30	
	Murphy, for Stationery	20	
22 F. F	oster, for Binding Books	17	
November 5 City	Water Works, for Water	60	
16 J. J.	Murphy, for Stationery	19	0
19 F. F	oster, for Binding	41	0
	H. Hood, for Labor on Capitol	92	0
	I. Bancroft & Co., for Stationery	180	0
26 W. J	B. Hood, for Carpets, Curtains, etc	1,388	9
$\mathbf{December1} [\mathbf{W}.\]$	B. Hood, for Labor on Capitol	42	0
	k, Mott & Co., for Stove for Supreme Court	52	1
3 W.]	B. Hood, for Labor on Capitol	172	0
13 Will	iam Mara, for Plastering and Whitewash'g	500	0
14 Char	rles Forman, for Water, Ice, etc	38	2
	amento Gas Company, for Gas	17	8
	iam B. Hood, for Labor on Capitol	150	
	pecher & Field	16	
	Caduc, for Coal	130	
	th, Arnold & Co., for Candles	285	
22 Will	iam B. Hood, for fitting up Capitol	210	
27 Will	iam B. Hood, Material for furnish'g Capitol	1,101	
1860.	is a second second for raining capiton	2,202	_
	C. McDonald, for Wood	100	0
SIW I	B. Hood, for furnishing Capitol	107	
3 H (Caswell, for Chairs	396	
	orman, for Traveling Expenses	75	
	I. Bancroft & Co., for Stationery	2,991	
	rles Forman, for Sundries	56	
		1,119	
	ch & Van Norden, for Coal		
	amento Gas Company, for Gas	86	
	Water Works, for Water	20	
H. E	I. Bancroft & Co., for Feather Dusters	75	U
	Total	\$10,876	6
		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	

STATE OF CALIFORNIA.

FERRIS FORMAN, Secretary of State.

Subscribed and sworn to, before me, this seventh day of January one thousand eight hundred and sixty.

[L. S.]

H. S. Foushee, Notary Public.

County of Sacramento, Ss.

I, Ferris Forman, Secretary of State of the State of California, do hereby certify, on oath, that the above account of expenditures is just and true, to the best of my knowledge and belief.

STATEMENT

Of Accounts paid out of Appropriation for Contingent Expenses of State Library.

1859.	TENTH FISCAL YEAR.		
January3	Steamer Eclipse, for Freight	\$ 6	00
	Bruce Husband, for Brush, etc	7	50
31	Bruce Husband	30	50
February23	Sacramento Gas Company, for Gas	29	00
	P. H. Gleason, for Porter	25	00
8	Peter McGinness, for hauling Books	58	00
	Bruce Husband, for Blank Books	8	75
	Bruce Husband, for Porter	25	00
	Bruce Husband, for Porter	28	87
	Gas Company, for Gas	65	80
June8	Thomas Reese, for Porter	20	31
	ELEVENTH FISCAL YEAR.		
August17	H. Schack, for Sprinkling	10	00
September 10	W. B. Hood, for Labor at Library	25	00
November1	B. F. Connelly for Stove	25	00
	H. Schack, for Sprinkling	13	00
	Total	\$377	73

STATE OF CALIFORNIA, County of Sacramento. 8s.

I, Ferris Forman, Secretary of State of the State of California, do hereby certify, upon oath, that the above account of expenditures, is just and correct, to the best of my knowledge and belief.

FERRIS FORMAN.

Secretary of State.

Subscribed and sworn to, before me, this seventh day of January, one thousand eight hundred and sixty. [L. S.]

H. S. FOUSHEE, Notary Public.

STATEMENT

Of Accounts paid out of appropriation for Contingent Expenses of Secretary of State.

1859.	TENTH FISCAL YEAR.		
January1 22	M. Martin, for Porter	\$50 5	00 00
	Carried forward	\$55	00

STATEMENT-Continued.

1859.	Brought forward	\$55	00
February1	M. Martin, for Porter	50	00
19	San Francisco Herald, for Newspapers	6	25
March1	M. Martin, for Porter	50	00
2	Charles Forman, for Sundries	18	50
30	Ferris Forman, for Traveling Expenses	25	00
April1	M. Martin, for Porter	50	00
- 6	Telegraph Company, for Telegraphing	5	00
15	J. Roach, for Chair	25	00
15	Charles Forman, for Paper, etc	22	00
30	M. Martin, for Porter	50	00
May2	H. S. Foushee, for Clerical Services	95	00
22	H. S. Foushee, for Clerical Services	100	00
	Ferris Forman, for pay of Porter	50	00
2	J. J. Murphy, for Stationery	16	00
2	Charles Forman, for Maps, etc	33	62
	Ferris Forman, for Sundries	50	00
30	Ferris Forman, for Porter and Newspapers	63	72
	* *		
	ELEVENTH FISCAL YEAR.		
August2	Ferris Forman, for Sundries	25	00
	Charles Forman, for Sprinkling Street, etc	57	09
	Ferris Forman, for Traveling Expenses	40	00
	Total	\$887	18

STATE OF CALIFORNIA, County of Sacramento. \} ss.

I, Ferris Forman, Secretary of State of the State of California, do hereby certify, upon oath, that the above, or within, account of expenditures, is just and true, to the best of my knowledge and belief.

FERRIS FORMAN,

Secretary of State.

Subscribed and sworn to, before me, this seventh day of January, A. D., one thousand eight hundred and sixty.

H. S. Foushee, Notary Public.

On motion of Mr. Dickinson the message, with documents, was laid on the table.

REPORT.

Mr. Lansing, Chairman of the committee appointed in accordance with Senate Concurrent Resolution, No. 4, Relative to Joint Committee to wait upon the Governor and Lieutenant Governor, made the following report:

Mr. President:—The Joint Committee heretofore appointed to wait upon the Governor and Lieutenant-Governor elect, and inform them of

their election, and ascertain at what time they desire the ceremonies of inauguration to take place, respectfully report, that they have performed their duties, and that Monday, the ninth of January, A. D. one thousand eight hundred and sixty, at twelve, M., was designated by them for their inauguration.

C. J. LANSING. J. M. McDONALD, S. H. PARKER,

Senate Committee.

R. B. ELLIS, R. W. GROOM, M. MALARIN,

Assembly Committee.

Accepted.

Mr. Dickinson offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that a committee of three from each House be appointed to wait upon the Governor and Lieutenant Governor elect, and make arrangements as to the time of performing the ceremonies of inauguration, and to act as a Committee of Ceremonies on that occasion.

Adopted.

Mr. Merritt offered the following resolution:

Resolved, By the Senate, that one week's pay be given to Jacob Stienman and Chis Hundeman, porters of the last session, and who have been acting the present session, that the same be at the rate of five dollars per day each, and be paid out of the Contingent Fund of the Senate.

Adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

January 7th, 1860. Mr. President:—The Assembly, on yesterday, passed Assembly Concurrent Resolution, No. 4, Relative to granting leave of absence to C. E. Wilcoxen, County Clerk of Sutter County;
Also, have, to-day, passed Assembly Bill, No. 6, An Act to appropriate

money to furnish the Governor's office.

R. K. WESTON,

Assistant Clerk of Assembly.

Assembly Concurrent Resolution, No. 4, Relative to granting leave of absence to C. E. Wilcoxen, County Clerk of Sutter County, taken up, and concurred in.

Assembly Bill, No. 6, An Act to appropriate money to furnish the Governor's office, taken up, read first and second times, rules further suspended, bill read a third time and passed.

President in the Chair.

Mr. De la Guerra offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that the Hon. Chas. Fernald, County Judge of the county of Santa Barbara, have leave to be, and remain, absent from the State of California for a period of five successive months, during the course of the year one thousand eight hundred and sixty.

Adopted.

NOTICES OF BILLS.

Mr. Sharp gave notice, that on Monday, January ninth, one thousand eight hundred and sixty, he would introduce An Act amendatory of an Act entitled "An Act defining the rights of Husband and Wife," passed April seventeenth, one thousand eight hundred and fifty;

Also, An Act amendatory of an Act entitled "An Act to regulate Descents and Distributions, passed April thirteenth, one thousand eight hun-

dred and fifty;

Also, An Act to authorize the compromise, liquidation, and payment, to Fletcher M. Haight, for legal services;

Also, An Act for the relief of D. O. Shattuck.

INTRODUCTION OF BILLS.

Mr. Titus, by leave, introduced a bill for An Act to authorize the establishment of County Infirmaries, for the relief of the indigent, and to amend an Act entitled "An Act to provide for the Indigent Sick in the counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five.

Read first and second times.

On motion of Mr. Quinn, bill laid on the table, and the usual number of copies ordered printed.

Mr. Dent, by leave, introduced a bill for An Act Concerning the office

of District Attorney of San Joaquin County.

Read first and second times, rules further suspended, bill considered engrossed, read a third time and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

January 7th, 1860.

Mr. President:—The Assembly have, this day, adopted Assembly Concurrent Resolution, No. 5, Relative to appointment of a committee to prepare for the Inauguration ceremonies, and have appointed, on the part of the House, Messrs. Welty, Heston, and Gallagher.

R. K. WESTON,

Ass't Clerk of Assembly.

Assembly Concurrent Resolution, No. 5, Relative to appointing a committee to prepare for the Inauguration ceremony, was taken up, and concurred in.

Mr. Anderson moved to reconsider the vote by which the Senate adopted Senate Concurrent Resolution, No. 9, Relative to the Inauguration of the Governor and Lieutenant-Governor.

Carried.

Mr. Anderson moved to lay the resolution on the table.

Carried

The President appointed the following committee on part of the Senate

in accordance with Assembly Concurrent Resolution, No. 5, Relative to appointing a committee to prepare for the Inauguration ceremony: Messrs. Dickinson, Bradley, and Watkins.

REPORT.

Mr. Sharp, of the San Francisco Delegation, made the following report:

Mr. President:—The delegation from the city and county of San Francisco and the county of San Mateo, to whom was referred Senate Bill, No. 3, entitled An Act to authorize the Commissioners of the Funded Debt of the city of San Francisco to re-issue certain bonds of the city of San Francisco to John B. Dickinson, have had the same under consideration, and recommend the passage of the same without amendment.

SOLOMON A. SHARP, ARCHIBALD C. PEACHY, T. G. PHELPS, S. H. PARKER.

On motion of Mr. Parker the rules were suspended and the bill taken

up, considered, engrossed, read a third time and passed.

On motion of Mr. Phelps the Forty-Fifth Standing Rule of the Senate was suspended, and the Secretary authorized to immediately transmit the bill to the Assembly.

On motion of Mr. McDonald the Senate adjourned.

Approved. JOS. WALKUP,
President.

Attest: J. R. BEARD, Secretary.

IN SENATE.

SENATE CHAMBER, Monday, January 9th, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent-Messrs. Sharp, Phelps, and O'Farrell.

Journal of yesterday read and approved.

Mr. Parker asked and obtained leave of absence for Messrs. Sharp and Phelps for one day.

REPORT.

Mr. Dickinson, Chairman of the Committee on part of the Senate, Relative to making arrangements for the Inauguration, made the following report:

To the Honorable, the Senate of the State of California:

Your committee, acting with a like committee on the part of the Assembly, appointed to make arrangements for the inauguration of the Governor and Lieutenant-Governor elect, would respectfully report:

That they have selected Agricultural Hall, at the corner of 6th and M streets, as the place for the performance of the Inaugural ceremonies, the use of the same having been tendered by the Hon. the President and members of the Board of Supervisors of the city and county of Sacra-

mento, and have fixed the hour of twelve o'clock, M., of this day as the

time.

They have secured the services of Capt. E. E. Eyre as Marshal of the day, who will have under his command a military escort, and have arranged so as to have His Excellency the Governor, and Governor and Lieutenant-Governor elect, escorted to the Capitol, and from thence, together with the officers of State and Members of the Senate and Assembly, to said hall, where, in presence of both Houses of the Legislature, the ceremonies of inauguration are to be performed; after which, back to the Capitol.

W. B. DICKINSON,

W. B. DICKINSON, B. T. BRADLEY, H. P. WATKINS,

Committee.

On motion of Mr. Lansing the report was accepted. President, pro tem, in the chair.

NOTICES OF BILLS.

Mr. Logan gave notice that he would, at an early day, introduce a bill for An Act to extend the time for Collecting the Taxes in the county of Colusa.

Mr. Titus gave notice that he will, at an early day, introduce a bill entitled An Act to appropriate money for the completion of certain Wa-

gon Roads over the Sierra Nevada.

The Annual Message of the Governor was received, and Mr. Dickinson moved that the reading be dispensed with, and the Secretary be instructed, by the Senate, to forward the same, with the accompanying documents, to the Assembly.

Carried.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, Sacramento, January, 1860.

Gentlemen of the Senate and Assembly:

It affords me pleasure to have an opportunity of again addressing those who have been intrusted by the People with the Legislative Department of the Government.

The Governor has, from time to time, recommended to your predecessors measures calculated to reform abuses and diminish expenditures, but they have generally failed to receive either their sanction or attention. Indeed, upon reviewing my Annual Message of last year, it is found that only a few of the recommendations of this character received any consideration whatever. It was, no doubt, supposed by those who formed a Constitution, which requires the Executive "to communicate, by message, to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient," that, from his position, where he could overlook all the operations of the government, he would be able to point out the evils which retarded our progress, and suggest appropriate remedies. The Legislature seem to have acted upon a different principle, or it may be that that department had very little respect for the opinions of the present Executive. They no doubt, however, discharged what they conceived to be their duty, and as both departments of the government derive power directly from the people, so each, acting independently, and within its appropriate sphere, must be held responsible to the tribunal of public opinion.

FINANCES.

Although the expenses of our State Government, during the past year, have been much more than they ought to have been, nevertheless, it affords me pleasure to inform you that the Treasury is in a prosperous condition.

The amount of money received in the Treasury from Jan. 1st, 1859, to Dec. 15th, 1859	\$1,170,835 03
Exhibiting an excess of receipts over expenditures of	\$254,652 81

The interest upon our Public Debt was promptly paid, during the past year, amounting, in the aggregate, to two hundred and ninety-six thou-

sand one hundred and eighteen dollars and fifteen cents.

During that period the Treasurer of State, under the law of 1857, purchased outstanding bonds to the amount of fifteen thousand dollars. The Board of Examiners, in the meanwhile, under the Act of 1858, purchased thirty thousand dollars of said bonds, which have been properly indorsed, and placed to the credit of the Seminary Fund. This reduces the actual amount of outstanding bonds to three millions eight hundrod and fifty-five thousand dollars.

The old issue, for the payment of which no provision has yet been made, amounts, with the interest thereon to the fifteenth of last month, to one hundred and seventeen thousand six hundred and ninety dollars and thirty cents. In addition to this, there are Controller's Warrants which have never been paid nor bonded, amounting to five thousand one hundred and two dollars and twenty-five cents, which, together with claims audited by the Legislatures of 1857-8-9, (fifteen thousand eight hundred and fifty dollars and fifty-one cents,) and the certificates of balances, (twenty-five thousand one hundred and forty dollars and fifty-eight cents,) make, in the aggregate, one hundred and sixty-three thousand seven hundred and eighty-four dollars and twenty-six cents. This will make the whole amount of our indebtedness, both legal and equitable, four million eighteen thousand seven hundred and eighty-four dollars and twenty-six cents. This is exclusive of the Indian War Debt, which amounts, in the aggregate, to two hundred and sixty-four thousand four hundred and thirty-five dollars, for which bonds have been issued. This, together with fifty-two thousand five hundred and twenty-seven dollars and eighty-six cents paid out of the Treasury last year for the suppression of Indian hostilities in the North, constitutes a just and equitable demand against the Federal Government. Prompt provision ought to be made for the payment of these just demands against the State. Whether this can be done without first submitting the question to the people is left for you to determine.

The whole amount received into the Treasury, from the fifteenth of December, 1858, to the fifteenth of December, 1859, was one million one hundred and ninety-five thousand four hundred and forty dollars and seventy-three cents. The amount expended during that period was one million one hundred and sixty thousand nine hundred and twenty-nine dollars and fourteen cents, leaving an excess of receipts over expenditures of thirty-four thousand five hundred and eleven dollars and fifty-nine cents. On the first day of January, immediately preceding my entering

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upon the duties of this office, there were three hundred and fifty-one thousand two hundred and twenty-two dollars and seventy-one cents in the Treasury. The amount now in the Treasury is six hundred and sixty-two thousand eight hundred and seventy-six dollars and eighty-nine cents, notwithstanding the semi-annual interest has just been paid. This shows that there is on hand three hundred and eleven thousand six hundred and fifty-four dollars and eighteen cents more than at the commencement of my administration.

An examination of the Treasurer's report will show, that while the expenditures have been very large, that a sum of nearly one hundred thousand dollars, incurred in suppressing Indian hostilities, and for other purposes, is not chargeable to the ordinary expenses of the government. Still, that economy which ought to have controlled the action of public officers, intrusted with the people's money, has not been practiced.

The expenditure, in the Legislative and Judiciary departments, can be easily reduced without injury to the public service. It has been the practice heretofore to employ a much larger number of persons in the Legislature, than are necessary to transact the public basiness. Besides, there is a great deal more printing ordered by the Legislature than the public interest, in my judgment, demands. The concensation of State Printer should be reduced. The Legislature of 1858, directed certain laws to be translated into the Spanish language, and published. This book, comprising two hundred and sixteen pages, cost the State a fraction over twenty-nine dollars per volume. As the Constitution of the State requires the laws to be published in the Spanish language, this should be done, but in my opinion at a much less expense to the people.

The counties of Alameda, El Dorado, Humboldt, Los Angeles, Marin, Merced, Monterey, Nevada, Placer, Sacromento, San Diego, Santa Clara, Santa Cruz, Shasta, Solano, Stanislaus, Tulare, Yoto, Yuba, Colusa, Klamath and San Bernardino, (nearly one-half the counties of the State) failed to report assessment rolls to the Controller, for the last year. The three last named counties of very did report. Surely, there must be some radical

defects in a system which produces such results.

The Revenue Act declares that County Auditors, "shall make out and cause to be transmitted by mail, or otherwise, to the Controller of State, on or before the first day of November of each year, a complete abstract of the property listed in his county, the valuation thereof, the number of polls, the amount of each kind of tax and the aggregate thereof, in the county; as also the rate of each kind of tax assessed." This provision of the act, has not been complied with, and in the absence of the assessment rolls, it is utterly impossible for the Legislature to fix upon the proper rate of taxation. It is disregarded for babby because there is no penalty imposed for doing so. The remedy for this evil, recommended to your predecessors, was to withhold all compensation from the Auditors until they produced a receipt from the Controller of State, for the assessment roll. Had an act of this character been passed, it is not likely that these officers would have neglected this duty. It is not doubted, that if the returns had been made from all the counties, (judging by the increase in some, reported that the taxable property of the State, would have amounted to at least one hundred and forty millions. The increase in San Francisco alone, over the preceding year, is shown to be three millions of dollars, and in Sonoma nearly a million. Take, then, the assessment roll at one hundred and forty millions, and this would have yielded a revenue, at the present rate of taxation, (sixty cents on the hundred dollars) of eight hundred and forty thousand dollars,

being sixty-three thousand six hundred and eighty-seven dollars more than that reported by the Controller. This revenue alone ought to be sufficient to pay the interest upon the public debt, and defray all the necessary expenses of the government, if properly administered. Anticipating that such will be the result, I recommend a general reduction in all the rates of taxation. The taxes upon property may be safely reduced to forty-five cents on the bandred dollars. There are few communities, perhaps, where the burdens of taxation, owing to the inequalities of our revenue system, bear so oppressively on the landholder and those

engaged in certain industrial pursuits as in this.

At the last session, acting upon the report of the Controller, a general revision of the revenue laws was recommended. The experience of the past year, has satisfied me that this will be impolitic, and that a few amendments will answer all purposes. As these laws are now pretty well understood by those charged with their execution, it is better not to make any radical changes. Much difficulty is experienced from the fact that the law does not define with sufficient clearness the duties of the officers in the collection of the revenue. Laws of this character have to be executed sometimes by gentlemen of limited education, and therefore the greater precision should be observed in defining their duties. It will be found upon examination that some of these acts are very vague, indefinite, and difficult to comprehend. Others again are in direct conflict with former acts. Take for instance the "Act concerning County Assessors," passed March 27th, 1850, which fixes his term of office at one year, and the "Act concerning officers," subsequently passed, says, that this officer shall be elected at the general election in 1851, and every two years thereafter. One of them should certainly be repealed.

I must again call the attention of the Legislature to the manner in which the poll-taxes are collected. While there are at least one hundred and fifty thousand persons subject to this tax, only forty thousand, taking the report of the Controller as the basis, have paid. If this law had been enforced, and collections promptly made, this tax alone would have yielded sufficient revenue into the treasury, to pay the interest on our public debt. In some counties very little attention appears to have been paid to this law. The whole taxes from this source, collected this year, amount to twenty-four thousand five hundred and seventy-two dollars and seven cents more than the preceding year. The county of San-Francisco, with a voting population of some six thousand more than Siskiyou, pays two thousand nine hundred and eleven dollars less poll-taxes. Seven counties (Butte, El Dorado, Nevada, Placer, Sacramento, Siskiyou, and Tuolumne) pay more than one-half the revenue derived from this

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In view of this state of facts, I recommend that the collection of the tax be imposed upon the Collector instead of the Assessor, which, in my

judgment, will materially increase the income.

In this connection I deem it proper to call your attention to the necessity of reducing the expenses of collecting the revenue. In some counties, it will be seen by reference to the report of the Controller, that we pay as high as forty per cent. for collections. The expense of living has diminished very much since the act fixing the compensation of revenue officers was passed, while the facilities for traveling have been vastly increased, and therefore a reduction ought to be made in the rates allowed.

Notwithstanding the reductions which I have recommended in the rates of taxation generally, if they should be adopted, it is still believed that if the government is wisely and economically administered, there

will be a surplus over expenditures. It is bad policy to pay interest upon bonds, when we have money lying idle in the treasury. Steps ought to

be taken at the earliest moment to extinguish our debt.

Your predecessors were informed that a suit was pending in the Supreme Court of the United States, in which the constitutionality of an act in regard to the tax to be levied and collected upon foreign and inland bills. In the crowded condition of business before that tribunal, it is feared that the case cannot be reached in a year, as the Court refused the application of our counsel (Messrs. Benjamin and Howard) to take it up out of its regular order.

MISCELLANEOUS.

REPORTS.

The annual reports of the Treasurer of State, the Controller, the Secretary of State, the Attorney-General, the Surveyor-General, the Registrar, the Commissioners of Reform Schools, the Directors of Insane Asylum, the Trustees of the Orphan Asylum of San Francisco, and also a statement of the financial condition of the State Agricultural Society, are herewith transmitted.

The act of April 18th, 1858, donating money to certain Asylums, requires the Trustees or Directors, to report to the Governor on or before the 20th of December, a detailed statement of the expenditures of the respective appropriations, with the number of orphans who have been inmates of the Asylum, etc. Only one of these institutions has complied with this law. Nothing has been heard from the Roman Catholic Orphan Asylum of San Francisco, or Los Angeles, although from the high character and standing of those who control them, it is not doubted that the appropriations have been judiciously and usefully expended, still they ought to have complied with the law. When the public money is taken for charitable purposes the people have a right to know the manner in which it has been expended.

GEOLOGY.

The attention of the Legislature is again called to the propriety of a geological survey of the State. The principal object should be to ascertain and make known, at home and abroad, the immense wealth of our State in minerals, and in agricultural resources, with a view to their full development; to examine the soils critically, with a view to their improvement and increased production. These objects are eminently practical, and at a comparatively small expense this information can be obtained. The publication of such a report, showing as it no doubt would, the productiveness of our soils, and the inexhaustible mineral wealth of the State, would advance our credit, give confidence in our ability to pay our debt, and to furnish employment to an almost unlimited number of laborers, and our population would rapidly increase.

Many of our sister States have profited much by their surveys, and California would be more benefitted than any of them have been. While therefore, such a survey would not only advance the cause of science, but materially contribute to the substantial wealth of the State, and ren-

der regions now considered sterile, rich and prosperous.

As a matter of course, the survey should be made by one thoroughly acquainted with the sciences of geology and mineralogy.

DIVORCES.

The marriage relation, which in all civilized communities is regarded

as one of the most sacred character, by the operation of our divorce laws, loses all its sanctity. The facilities with which divorces are granted in our State, has done much to demoralize the community, and seriously impair that moral sentiment which must exist in every well regulated society. The true policy is to discourage the dissolution of the marriage tie, and throw around these applications, restrictions which would prevent their being granted except in extreme cases.

The act of April 24th, 1857, which authorizes trials to be had privately, ought to be repealed, and a special provision made as to the notice to be

given to non-residents.

PRIMARY ELECTIONS.

The attention of the Legislature has again and again been called to the necessity of extending the general laws over what are usually called

" primary elections."

In a State where political parties are organized, and one has a decisive majority, in point of fact, our officers are elected at these "primary meetings." That all sorts of frauds are perpetrated at them, no one doubts. By double voting and false returns, the active and unscrupulous minority select candidates for the people. It sometimes happens that they do not truly represent a majority of the party. At the regular election, under the law as it now exists, it is probable that very few frauds are perpetrated. Indeed, many of our sister States would suffer by a comparison with us. It is, in my judgment, as important that the ballot-box should not be defiled in the primary as in the general election.

It is true that only one political organization participates in the first, nevertheless it should be conducted fairly and honestly. The ballot-box ought truly reflect the wishes of the majority in all cases, and all care

should be taken to secure it.

In the few instances where prosecutions have taken place under the election law, the offenders have been those who, by fraudulent means, sought to control the primary elections.

LAWS.

Various amendments to existing laws were recommended to your immediate predecessors, some of which were adopted, while others failed to receive any consideration. You are respectfully referred to that portion of my Annual Message for my present views. A law should be passed protecting religious meetings when convened for worship, as they have been sometimes disturbed by disorderly persons.

We ought to have a law requiring the Board of Supervisors of the

respective counties to cause guide-boards to be put up at points where roads cross or diverge. Those who have traversed the State, and been subjected to inconvenience and delay, can properly appreciate the neces-

sity of this.

I took occasion, in my last Annual Message, to recommend a division of the State into districts, for the purpose of electing Representatives in Congress. Not because the laws of the United States require it, but for the reason, that it is not only the best plan, but all of our sister States elect in this manner.

As the census is about to be taken by the Federal Government, and it is hoped that our representation in Congress will be increased to at least five, the duty of districting the State will properly devolve upon the next Legislature. When California is fully represented in that body, we trust that those measures which are so essential to her welfare will be adopted.

HOSPITAL FUND.

We have had a great deal of legislation upon this subject, under which great abuses have been practised, and the Legislature finally passed the law of 1855, which is now in force. Section second reads: "The Hospital Fund, together with all moneys collected for the benefit of said fund, shall be set apart by the State Treasurer for the purpose expressed and directed in the first section of this act, and after the first day of April, 1855, shall be divided and apportioned among the counties of this State, in proportion to the population as ascertained by the census of 1855; provided, that until the official returns of the next census shall be made, the pro rata distribution shall be made upon the highest aggregate vote of the different counties as returned to the Secretary of State's office at the last general election; and said fund shall be paid over by the Treasurer of the State, on the warrants of the State Controller, who shall issue such warrants upon receiving the order of the Board of Supervisors to the County Treasurer of each county. The Board of Supervisors of each county shall use the same for the support and care of the indigent sick in their counties, and for no other purpose, and shall render a semiannual account of the use made thereof to the Controller of State, to be presented by him in a condensed form in his Annual Report. amount appropriated after the first apportionment, shall be due to the counties on the first Mondays of March, June, September, and December, of each year."

This is a very unfair and unequal distribution of the fund. Some three or four cities contribute nearly all that goes into the fund, while because of their location with reference to the northern and southern mines, an undue proportion of the indigent sick are thrown upon them. The basis of distribution is in itself unjust. Again, the law ought to define what residence should be necessary to enable a party to avail himself of the benefit of the fund, and the county of his last legal residence should be

charged with his support.

The time I think has arrived when poor-houses should be established in some of the counties, and as an institution of this character might not be desirable at present in all, it is recommended that authority be given to take a vote of the people at the next election upon the question of authorizing the Board of Supervisors to levy a special tax for the purpose.

As we have a very large number of cases of mere dementia regularly sent, for want of any other place, to the Insane Asylum, the establishment of such houses would relieve this institution from the care of a class

which does not properly belong to it.

As there is more money now paid into the Library Fund than can be usefully expended, it is recommended that one-half of the fees received upon commissions and other sources be paid hereafter into the Hospital Fund.

WINES AND BRANDIES.

The manufacture of these articles has become a very important interest in our State, and the whole power of the Legislature should be used to prevent their adulteration. It is well known that a considerable number of persons are engaged in adulterating liquors to the great injury of those engaged in the culture of the grape. The grape-grower in attempting to gain a reputation abroad for his wines, is constantly injured by spurious articles manufactured at San Francisco and elsewhere. In-

deed, a goodly portion of the so-called wine consumed, within our own

limits, never came from a vineyard or a wine-press.

It is well established that drugs highly prejudicial to health, and oftentimes dangerous to life, are used in adulterating liquors in common use, and it is not doubted hundreds have fallen victims to this practice. This evil exists to an alarming extent, particularly in our large cities, and therefore your attention is respectfully directed to it.

If an inspector of liquors was appointed in San Francisco and some of the larger cities, with authority to analyze at pleasure liquors offered or kept for sale, the evil to some extent could be corrected. The inspector of course should be a good chemist, and fully competent to detect any deleterious drugs in the liquids. Upon his report, under oath, to the Treasurer, let the vendor forfeit his license.

WASHINGTON MONUMENT.

On the 10th March, last, the Legislature made an appropriation of one thousand dollars to the Washington Monument Association, to be applied to the erection of that shaft which is to commemorate the memory of Washington. Through the liberality of that enterprising express company, Wells, Fargo & Company, the amount was remitted to the Association in Washington, without expense to the State. The Secretary in acknowledging the receipt thereof, says: "The Society has instructed me to communicate through your kind intervention, to the Legislature, the assurance of the gratification which this proof of interest and cooperation on the part of your noble and patriotic State has given to every member of the Board, and to request you to accept its thanks for your zeal and good-will in suggesting and securing this State tribute to the memory of Washington.

The Society is now occupied in making an appeal to the liberality and patriotism of the Legislatures of the several States, with the hope that the example of your State may be a stimulant and precedent for

prompt imitation."

REGISTRATION LAW.

It will be seen upon reference to the report of this officer, that very little attention has been paid to the act providing for the registration of births, deaths, etc. After the modification made in the law, by the last Legislature, it was supposed that very reliable statistics would be obtained. There is perhaps no State in the Union where a law of this character would be more advantageous than in California. There are thousands coming into our State, annually, who have neither friends nor acquaintances here, a number of whom die from natural causes, and others are killed in the mines, and whose relatives never hear of them again. Men die in remote parts of the State, leaving valuable property, which, for the want of information, never reaches the hands of those to whom it belongs.

Accidents are constantly happening in the mines; men are killed and their relatives never learn their sad fate. In addition to this, a bureau of general statistics has been found, in other and older communities, of inestimable value. It has been well said by an eminent writer, that " statistics are to politics and to the art of governing, what anatomy is to physiology in the study of the human body; the observation of the stars to astronomy; the study of the species of animals, plants, and minerals to the natural history of the globe; the analysis of the body to chemistry; experimental physics to natural physics. The statesman who pretends to govern without knowing the important facts which interest society, makes a more fruitless attempt than the philosopher who should propose to make a general classification of the beings which compose the three kingdoms of nature without knowing the essential characteristics of them."

The Registrar advocates a repeal of the law, on the ground that public sentiment is so manifestly against it, that it cannot be enforced. If such be the ease, the law, of course, should be repealed, as it is useless to have the statute book encumbered with enactments which cannot be executed. But I am inclined to the opinion that the reason why it has not been observed, is because of the general impression in some quarters, that the office was created solely to benefit the individual who might happen to hold it. Besides, it was believed that the office would be very lucrative, and therefore private, rather than public, consideration had secured its passage. This can be obviated to a great extent by abolishing the office of Registrar, and transferring the duties to the Secretary of State, authorizing him to appoint a Registrar Clerk.

BOUNDARY LINE.

In a former Message, the attention of the Legislature was called to the necessity of having the eastern boundary line of the State run and properly established. In accordance with this suggestion, the Legislature by the act of eighteenth of April, 1859, authorized the Governor to appoint a suitable person, who, in conjunction with such person as might be appointed by the Federal Government, should survey said line.

A copy of this act was transmitted to the President, but Congress having adjourned before its receipt by him, no appropriation for this purpose was made. Recent discoveries of silver ore in close proximity to the supposed line, has thrown a large number of people into that section, and it is of the utmost importance that the boundary should be speedily ascertained. If it is not, difficulties must constantly arise in the execution of criminal and revenue laws.

CONSTITUTIONAL CONVENTION.

My predecessors in this office have all recommended a revision of the Constitution. The subject has at various times received the consideration of the Legislature. On two occasions it was submitted to a vote of the people, and although on each a decided majority of those voting upon the question was found in favor of a Convention, still it failed. At the first election, (in 1857) thirty thousand two hundred and twenty-six votes were cast for a Convention, and seventeen thousand six hundred and eighty against it. The whole number of votes cast for State officers was ninety-three thousand eight hundred and eighty-one-thus showing that nearly forty-six thousand of the voters neglected or refused to vote. At the last election, one hundred and two thousand seven hundred and sixty votes were given for Governor, and forty-five thousand eight hundred and twenty-nine in favor, and ten thousand one hundred and sixty against a Convention, showing that forty-six thousand seven hundred and seventy-one did not vote either way. The Legislature of 1858 very properly, as I think, decided that the clause in the Constitution which provides for the revision of that instrument requires that a majority of the voters who participate in that general election must vote for a Convention, before one can be regularly called. It is said, however, that in

the recent election, in some of the counties, votes were rejected which ought to have been counted, and it is hoped that a full investigation may be made. In the event that it is found to have failed, I recommend that

the question be again submitted.

To reform the abuses which exist in this State, to reduce expenditures, to place our revenue system upon an equitable and permanent basis, to organize our Courts in such way as to command the full confidence of the people, a Convention is indispensable. The indifference manifested by a large number of voters upon a question of this magnitude, illustrates the fact stated elsewhere, that we unfortunately have a considerable class here who feel no interest whatever in the future welfare of our State. Although I came into office opposed to a Convention, the experience of the past two years has satisfied me that the Constitution must be amended in several particulars before the State can prosper.

STATE CAPITOL.

If it is intended that Sacramento shall remain the seat of government, the time has arrived when we should have a Capitol. It is believed that one hundred thousand dollars will put up a wing sufficiently commodious to accommodate the Legislature and State officers, and, judging from the number of persons seeking employment at this time, labor can be obtained at rates but little more than it commands in the East.

The State is now renting the Capitol at eight thousand dollars per annum, which is eight per cent on the estimated cost of the proposed new

building.

GAMING LAW.

The law now upon the statute-book should be modified. The first act passed on this subject, in 1851, licensed gaming, which then existed in every portion of the State as a regular business. On the twenty-seventh April, 1857, the Legislature, in making an effort to suppress this evil, which was scattering ruin and desolation throughout the State, passed a law which, because of its severity, has rarely been executed. Indeed, while gaming, in the cities, has been driven into secret places, there are many towns and villages in which it is still carried on in the most public manner. None but those who have traversed the State can be aware of the extent of this evil, or the powerful influence still exerciseed by professional gamblers. At the ninth session, the Legislature took the other extreme and passed a bill which, by the leniency of the punishment, in point of fact, licensed gaming instead of suppressing it. It failed, however, to receive the approval of the Governor, and did not become a law. In vetoing that bill I said:

"The act now before me makes the dealer of certain banking games, therein named, guilty of a misdemeanor, and subject to a fine, not less

than five hundred nor more than six hundred dollars.

I think it will be difficult to find a penal act where the maximum and

minimum punishments are placed so closely together.

By the act which this repeals, this offense is a felony, and subjected the party to imprisonment, for not more than five nor less than one year. The old law makes it a misdemeanor to bet on any of these games; the act before me does not. This is making too wide a distinction between men occupying seats on different sides of the same table. The act of seventeenth April, 1855 (which this also repeals), very properly makes a distinction between the punishment for the first and second offense; this does not. The existing act goes further than the common law, in declar-

ing certain contracts, etc., in regard to gaming, null and void; this act is silent on the subject.

Under the bill before me, if a gambler was only indicted three or four times in the year the fine is so insignificant that he could pay the penalty

and still carry on a profitable business.

This license (such it is in effect) would amount to some one hundred and fifty or two hundred dollars per month. This is far less than the sum charged for license for gambling houses by the act of March 14, 1851."

These are still my views, and the whole subject is committed to your consideration. It may be proper to remark, that the records of the State Prison show only three convictions under the existing law, although nearly three years have clapsed since its passage. In the meanwhile, however, it is believed that the gaming-table has been the immediate cause of the incarceration of more than a hundred persons in that institution during that time. The gamblers themselves have succeeded pretty well in keeping out of the prison, but their victims have been less fortunate.

INDIAN DIFFICULTIES.

During the past year we have had our usual difficulties with some of the Indian tribes residing within our borders. In the month of May last several petitions were presented from a large number of citizens residing in Tehama County, representing: That a band of hostile Indians inhabiting the eastern portion of that county had committed a number of murders and destroyed a large amount of valuable property; and, that the houses of Col. Stevenson and Mr. Hooker had been destroyed by fire, and the lives of seven human beings who occupied them, sacrificed. A public meeting was held at Tehama, also at Re I Bluff, at which resolutions were passed invoking the aid of the State authorities. A company of United States Infantry had been sent to that vicinity with orders to catch the Indians and turn them over to the civil authorities isfied that no good whatever would result from an expedition of that character, I directed Adjutant General Kibbe to muster into the service of the State a full company of volunteers. General Kibbe placed himself at the head of this force and proceeded at once to chastise thes: Indians, who had for several years been committing outrages upon the persons and property of our citizens. After several engagements, in which some two hundred Indians were killed, the remnant of the tribe (say four hundred and fifty souls) surrendered and were transported by sea to the reservation at Mendocino. They are there comfortably located, and it is hoped they will not again give us trouble.

As the Adjutant General has not yet reported to me, I am unable to give you a detailed account of his operations and the expenses incurred. These, no doubt, will be furnished you in due time. The campaign was eminently successful, and great praise is due to General Kibbe and the gallant and patriotic officers and soldiers for the manner in which it was conducted. They have, indeed, rendered the State great service, and it is hoped that the Legislature will make an appropriation to remunerate them and to cover the other expenses of this Indian war. The State should pay troops called into its service instead of sending them to the Federal Government. It should present the claim against that govern-

ment and urge its payment.

It is also my duty to inform you that, during the past summer, the Indians residing between the North and South Forks of Eel River, in Mendocino County, killed several of our citizens and destroyed a large amount

of property. Satisfied, from their movements and repeated depredations, upon the representation of the county authorities and other persons, I was compelled to direct Captain W. S. Jarboe to organize a company of twenty men to pursue and break up this band. He has succeeded, to a great extent, in accomplishing this object. I am not aware of any recent disturbance in that quarter, and hence an order has been issued disbanding the force.

It is very difficult to devise any plan which will either protect or preserve the Indians within our limits, or prevent them from committing outrages upon the persons and property of our people. In many localities inhabited by these tribes, the game has been killed or driven out, and herds of cattle are now found there. The Indian, whose occupation is that of hunting, when unsuccessful in the chase, and pinched by hunger, steals from the miner or settler, and a whole tribe, to which he belongs, are denounced thieves, and pursued as such. It is quite likely that many of our difficulties with the Indians grow out of the imposition or outrages perpetrated upon them by degraded white men, with whom they are too often brought in contact. In this way hostilities are provoked, and good citizens are compelled to suffer the consequences.

For particular information on this subject you are respectfully referred to the correspondence which will be transmitted to-day with a special

communication.

MILITIA.

In the absence of the report from the Adjutant General, who, during the last five months has been nearly all the time in the field, (and performing the most valuable service.) I am unable to give you the precise condition of our military organization. We have forty-nine companies of volunteers organized, two thousand seven hundred muskets, (or their

equivalent,) and two six-pound field pieces, with accourrements.

No State in the Union is so directly interested in encouraging the formation of volunteer companies as ours. We are separated by boisterous oceans and extensive deserts from all our sister States, except Oregon, and in the event of a war with any formidable European power, a descent might easily be made upon our coast. We have, it is true, the well-known courage and untiring energies of the people to rely upon for protection, but this without discipline would be found inadequate, as raw recruits are rarely effective. A well-drilled volunteer corps would constitute a nucleus around which a powerful army could soon be gathered. The general encampment near this city last summer, has had a salutary effect in awakening a more lively interest in the formation of these companies.

In carrying out the policy which I had adopted, of giving preference to companies located in counties where we were most likely to become involved in difficulties with the Indians, I have been unable to furnish arms to any of the companies organized in our colleges or academies as authorized by the Act of 23d April, 1858. This is regretted, because I regard the organization of such companies in our literary institutions as exceedingly useful and proper. A knowledge of military factics and the use of fire-arms, aside from the physical benefits resulting, will be of an

immense advantage to our youths.

In consideration of our isolated position, the Senate of the United States in 1856, passed a bill giving to California eight thousand stand of arms, in addition to those to which we were entitled under the general law of distribution. This was not, however, called up in the House of Representatives, but it is believed that additional arms can be obtained from the

Federal Government, and 1 respectfully recommend the passage of a joint resolution calling the attention of our Senators and Representatives to it.

EDUCATION.

A few remarks upon this subject must suffice, as every one acknowledges the importance of the general education of the people, especially in governments where the institutions and laws are founded upon public opinion. It is utterly impossible to maintain a republican form of government unless the masses are educated. Nor is it necessary for me to say that it requires a higher degree of intelligence to administer this successfully

than any other.

The report of the Superintendent of Public Instruction was received at too late an hour to admit of a close examination. A glance at its contents satisfies me that it will give you much valuable information upon this subject. At the close of the year 1858, the total number of children in the State, between four and eighteen years of age, was forty thousand five hundred and thirty, and at the close of 1859 the number had increased to forty-eight thousand four hundred and seventy-six, of which twenty-five thousand three hundred and forty-eight were boys, and twenty-three thousand three hundred and twenty-eight girls. The total number of children under four years of age on the first of January, 1859, was twenty-three thousand five hundred and fifty-eight, and on first of January of the present year, the number was twenty-eight thousand three hundred. The total number of children under eighteen years of age was, therefore, sixty-four thousand and eighty-eight, in 1859; and in 1860, seventy-six thousand nine hundred and seventy-six, showing an increase of twelve thousand eight hundred and eighty-eight.

The number of children who were born in California, was, in 1859, thirty-three thousand five hundred and forty-six, and in 1860, forty-one thousand four hundred and fifty, showing the number born during the

year 1859 to be seven thousand nine hundred and four.

The whole number of children attending school, public and private, in 1858, was twenty-two thousand two hundred and forty-four, and in 1859, twenty-seven thousand six hundred and one, and the organized School Districts were increased during that period from four hundred and eleven

to four hundred and sixty-three.

The whole amount of State School Fund apportioned among the respective counties during the year 1858, was fifty-three thousand four hundred and four dollars and ninety-five cents, and during the year 1859, seventy-two thousand three hundred and nineteen dollars and fifty-two cents. The whole amount expended for school purposes in the year 1858, was three hundred and thirty-nine thousand nine hundred and fourteen dollars and seventy-seven cents, and during the year 1859, was four hundred and twenty-seven thousand and three dollars and seventy-five cents; showing an increase in one year of eighty-seven thousand eighty-eight dollars and ninety-eight cents. These statements speak well for the condition of our schools, and give satisfactory assurance that California will soon be in advance of many of her sister States.

It is proper that I should call your attention to the fact, that during the past year, a large quantity of land has been sold in this State by the Federal Government, and California, in my opinion, is entitled to five per cent. of the net proceeds of these sales. The policy of giving this to the new States is based upon the pledge that lands belonging to the Federal Government within their limits, should not be taxed. This five per

cent. was given to Ohio, Louisiana, Mississippi, Indiana, Illinois, Alabama, Missouri, Florida, Arkansas, Iowa, Michigan, Wisconsin and Minnesota; and although the phraseology used in the act admitting us into the Union might leave the question somewhat indefinite, still it cannot be supposed that Congress intended to deal less liberally with us than with our sisters. As this five per cent. may probably reach, when the lands are disposed of, a million of dollars, the attention of our Senators and Representatives should be directed to this subject.

AGRICULTURE.

The annual exhibition of the State Agricultural Society, which took place at Sacramento, in September last, was more largely attended than upon any previous occasion, and the display of stock, of fruit, cereals, etc., was far superior to anything ever before presented in the State; while every department of the mechanic arts contributed its share towards the exhibition.

We have certainly great cause to rejoice at the rapid progress which our people are making in all that tends to build up a great and powerful State. The lively interest which is now manifested in the improvement of all sorts of stock, will soon give us, in our genial climate, the best projection of demonstric animals in the wealth.

varieties of domestic animals in the world.

Our rich lands are being rapidly put under cultivation, and we are no longer dependent upon others for the necessaries of life. The report which the Agricultural Society is required to make to you will no doubt show in detail the vast increase in every department of agriculture during the past year.

Indeed we have within our own limits all the elements of true great-

ness.

The Federal Government has already found that it can construct war steamers here as well as in the Atlantic States, and that we have all the material, as also the highest mechanical skill requisite to accomplish this object.

The improvements made in the mining districts during the past year, and the undiminished yield in the production of gold, must satisfy the

most incredulous that our mineral wealth is inexhaustible.

With a population unsurpassed for intelligence and patriotism, with as rich and productive lands as the world affords, with inexhaustible minerals of almost every character and description known to science, if we act wisely and properly use the means which have been profusely spread before us, there is for us a glorious future.

LANDS.

In all our sister States in which swamp lands are found, the surveys had already been completed, and hence there was no difficulty in ascertaing their location. But in this State, unfortunately, the surveys have not yet been finished, and we will probably lose a large amount of that which properly belongs to us. A considerable quantity of that which at the time of our admission into the Union was swamp and overflowed land, has by natural, as well as artificial, causes, ceased to be such.

It may be found difficult now to obtain the proof necessary to establish our right to it. The surveys have been made by the Federal Government in this State during the dry season of the year, and the probability is, that a large quantity of land, which in truth is swamp and overflowed.

will not be so returned.

In other States, very wisely, provision was made for the reclamation of these lands before any sales were made. The first act of our Legislature, passed twenty-eighth of April, 1855, on this subject, makes no allusion whatever to their reclamation. The next act donated a portion of these lands to a Company, organized for the purpose of connecting Tulare Lake with the waters of the San Joaqain. Nothing was done under this law, and it was subsequently repealed. The same year an act was passed, giving what is asually called Sutter Lake, to the City of Sacramento, and a certain portion of the proceeds were to be used for school purposes, in violation of the terms upon which the grant was made. For the first time, on the twenty-first of April, 1858, a law was passed, providing that the proceeds of these lands should go into a fund for reclamation." This was again modified on the eighteenth of April, 1859. These acts seem to have been based upon the idea, that the State would, at some future day, devise a general system of reclamation.

If seventy-five thousand dollars had been taken at the outset, from the General Fund, and judiciously expended under the direction of Commissioners in constructing canals, or levees, it is not doubted that the lands which have already been disposed of, would have brought into the treasury more than three hundred thousand dollars. In addition to this, the land would have been under cultivation, and upon the assessment roll, bringing annually, thousands into the treasury, in the shape of taxes, and it is believed, would have eventually yielded more than two millions of dollars. It is, however, too iate to correct the evil inflicted by the act of

1855.

The amount of swamp and overflowed land, surveyed and approved by the Surveyor General from the passage of the Act of 1855, until the 15th December, last, is five hundred and fifteen thousand four hundred and sixty acres; and there is now in the reclamation fand, eighty-seven thousand and ninety-five dollars and sixty-six cents, from which it will appear that a large amount is still due this fund. There was also paid into the General Fund previous to the Act of 1858, the sam of forty-eight thousand one hundred and thirty-six dollars and ninety-live cents, which makes the aggregate proceeds derived from this source one hundred and thirty-five thousand two hundred and thirty-two dollars and sixty-one cents. Good faith requires that this should be transferred, and held sacred for purposes of reclamation, although the State has parted with nearly all her interest in those lands.

The quantity of land surveyed and approved last year, was one hun-

dred and forty-six thousand four hundred and sixty-eight acres.

The amount of tide lands under the Acts of 1858 and 1859, returned to the Surveyor-General's office and approved, is nine hundred and eighty-five thousand and sixty-three-hundredths acres. The amount of school lands located under the Act of 1858, is two hundred and sixty-two thousand and sixty-three thirty-six-hundredths acres, and the amount paid into the School Fand during the year ending 15th December, last, was eighty-six thousand four hundred and two dollars and eighty-seven cents. The quantity of seminary lands located was thirty-three thousand seven hundred and sixty-two ninety-hundredths acres, and there remains a balance of twelve thousand three hundred and seventeen ten-hundredths acres unlocated. The amount of principal and interest received was eleven thousand one hundred and thirty-five dollars and twenty-eight cents.

Under the old law, holders of land-warrants were not required to sur-

render them, and it is quite probable that a great many frauds have been practised. Some effort should be made to detect and expose them.

Whilst it is gratifying to see these funds, dedicated to educational purposes, rapidly increasing, this pleasure is enhanced by the proof it affords that our State is becoming settled by a permanent population which thus gives us that stability which is essential to our prosperity.

INSANE ASYLUM.

It will be seen by reference to the report of the Directors of this institution, that it has been well conducted during the past year. The report of the Resident Physician shows a permanent increase during that time of ninety-seven. The whole number of patients on the first December last, was three hundred and seventy. Of these, three hundred and seven were males, and sixty-three females. The expenses proper of supporting the patients exceeds very little that of eastern institutions. It is believed, however, that the compensation allowed to the officers and employés, is too much. Instead of supporting the Resident Physician at the institution, an allowance should be made for that purpose. As it is now, it is impossible to ascertain the amount which this costs the State.

Of the number admitted during the year ending first December, (two hundred and seventy-six) one-half were sent from three counties, San

Francisco, Sacramento and San Joaquin.

The directors recommend payment of several small claims held by poor men against the institution, who cannot go to the expense, because of the smallness of the amounts, before the Board of Examiners and the Legislature. These, in the aggregate, amount to six hundred and thirty-seven dollars, which the Board ought to be authorized to pay.

The appropriation made by the last Legislature, (seventy-five thousand dollars), with proper economy, will be found sufficient to defray the ex-

penses until the end of the fiscal year.

I concur in the recommendation made by the Directors in regard to the improvements and the purchase of stock for the use of the Asylum.

SCHOOLS OF REFORM.

In my last Annual Message the attention of the Legislature was called to the necessity of establishing a School of Reform for juvenile offenders. The number of reckless and wayward youths seen every day in the streets of our cities and towns, and who are very frequently imprisoned in our county jails, shows the absolute necessity of an establishment of this character. The number has vastly increased during the past year. The Legislature, acting on the recommendation of the Governor, passed an act authorizing him to appoint three Commissioners, with power to select and obtain, by gift, or by location, upon lands belonging to the State, a lot of land suitable for the site of a Reform School; they were also authorized to procure plans, specifications, etc. Messrs, W. T. Barbour, M. F. Butler, and N. A. H. Ball, were appointed. It will be seen by their report, that the Common Council of the city of Marysville has purchased and donated to the State, for this School, one hundred acres of land, situated four and one-half miles from that city, upon the banks of Feather River. As the soil is very fertile, the climate healthy, wood and water close at hand, this is considered the best location that could have been made. Plans and specifications have been carefully prepared by Mr. Butler, which, if adopted, will give us one of the finest institutions of this kind in the Union.

It is sincerely hoped that this subject, of such vast importance to the present and future welfare of the State, will receive the prompt attention

of the Legislature.

An examination of the statistics in regard to the management of these institutions, which have been established in the older States, will show the immense benefits resulting from them. Indeed, it appears that seventy-five per cent. of those committed to such schools, have reformed and become useful members of society. There are a great number of children in this State without parents or relatives to govern or control them. There are, according to the Report of the Superintendent of Public Instruction, two thousand three hundred and fifty-four orphans in this The whole number of children in the State being seventy-six thousand nine hundred and seventy-six, it will be perceived that this unfortunate class is extraordinarily large. Many of these, for the want of proper attention, fall into bad habits, and eventually find their way into the prisons. The State is under a moral obligation to do all in its power to avert this calamity. It is also far better to expend the public money in throwing moral restraints around those children, and in training them up to habits of industry, than to support them in prison.

In every State where these institutions have been established, they have proved eminently successful, and it is not doubted that one here, where we have so large a number of children without parents or kindred,

cannot fail to be extensively useful.

Upon the farm which has been selected, these juveniles can be supported as well as educated at a comparatively small expense to the Treasury.

I concur in the recommendations of the Commissioners, and most earnestly hope that they may meet with the approval of the Legislature, and be carried into execution.

STATE PRISON.

The Directors of the prison will no doubt make a detailed report of the affairs of this institution. A few weeks after I came into office a Joint Committee was appointed by the Legislature to visit the prison, and to report upon its condition. That report was made in due time, and exhibited a state of affairs which would disgrace any civilized country. A special message was addressed to the Legislature, (4th February, 1858,) inviting their immediate attention to the subject. On the 26th of February following an act was passed directing the Governor to proceed at once to take possession of this institution. I had no doubt about the constitutionality of the act, although the Supreme Court eventually decided otherwise. After consultation with the sub-lessee, and ascertaining that no force would be necessary, I proceeded to San Quentin, and on the first of March took possession of the prison and grounds, appointed officers, and prescribed rules for its government.

On the 26th of April ensuing the Legislature associated the Lieut. Governor and the Secretary of State with the Governor in the direction of the prison. The Lieut. Governor, as Chief Warden, remained at the prison until the first of January, 1859, giving his whole time and attention to a reformation of the abuses which for a series of years had existed. Justice to that officer requires that I should say, that by his energy and practical business qualifications the institution was placed upon as respectable a footing as the crowded condition of the Prison would allow. The prisoners were properly fed and clothed, and by his rigid economy in

every department, many thousands of dollars were saved to the State. For these valuable services he ought to be paid, and it is hoped that a sense of justice will prompt you to make the necessary appropriation.

The Directors in their last annual report showed that during the year the State had possession, the value of convict labor exceeded the expenditures some twenty thousand dollars. In the mean while the sub-lessee, J. F. McCauley, instituted a suit to recover possession of the prison, and on the 13th May, the State officers were ousted. Anticipating this I sent in a special message to your predecessors, under date of eighteenth April, 1859, in which I said:

"I have made every effort in my power to secure the passage of some law which would settle the State Prison difficulties, but the Legislature is about to adjourn without disposing of this question, and under the decision of the Supreme Court, (unless reversed on rehearing) the Prison in a few days will again pass into the hands of the lessee, McCauley. In the meanwhile the Governor, and some of his friends, who happened to be with him when he took possession under the order of the last Legislature, will be harrassed with law suits. The system of leasing the convicts, and giving the control of them to private individuals is as obnoxious to the people as it is to me, and I must earnestly invoke your Honorable Body, to take the necessary steps to prevent this calamity. To suffer that Prison to fall again into the hands of lessees, will in my opinion be a disgrace to the State. We have already expended a large sum of money in an effort to break up this system, and I hope the good work will not be abandoned"

On the nineteenth April, an act was passed which it was supposed would settle the whole prison difficulty. In approving the act, however, the Governor said: "It is proper to remark that the State Prison Fund is only some eight thousand dollars, and without an additional appropriation, the act in regard to the prison which I have this day approved, will be wholly inoperative." The Attorney-General, (for reasons which he will no doubt give you) declined taking any action under the bill. Believing that the contract if valid, had in all respects been violated by the sub-lessee, eminent counsel were employed and a bill filed in the Court to set it aside.

I have no personal knowledge of the manner in which the prison has been conducted since Mr. McCauley, under the decision of the Court resumed possession. The course pursued by the Governor under the order of the Legislature, and the consequent litigation, brought down upon him the personal and vindictive hostility of the sub-lessee and his adherents, and therefore he could not with propriety visit the institution. The large number of convicts who have escaped since McCauley resumed possession, will no doubt attract the attention of the Legislature. During the administration of the State officers, twenty-one convicts escaped. This covered a period of thirteen and a half months. The number of escaped reported during the three months subsequent to the taking of the Prison by McCauley, is sixty-nine, to say nothing of those who had been killed by the guard.

The present Executive has done all in his power to break up the infamous system of giving the control of convicts to private individuals, but his efforts have proved unsuccessful. There are now some six hundred prisoners confined at San Quentin, and it is well known that the accommodations are sufficient for not more than three hundred and fifty. Indeed with that number you must necessarily place some fifteen or twenty in the same room. A fearful responsibility rests upon a people

who suffer such things to exist. The insecurity of the prison contributes much towards the increase of crime, and it is believed that this is the chief reason why so many return upon new charges. In the present state of things it is impossible to adopt a reformatory system. Nothing can be done for the moral or intellectual improvement of the convicts. To expect a sub-lessee, whose only aim is to extract the largest amount of labor from the convicts at the smallest expense, would be absurd. It is a matter of little concern to him whether the convict leaves the prison an ignorant villain or an intelligent, honest man.

How far the sub-lessee has complied with his contract is a judicial question, and must be decided by the Courts. It is desirable, however, that all doubts may be removed by the passage of an act authorizing the Attorney-General to use the name of the State for the purpose of testing the question which has been raised between the State and the sub-lessee.

Great difficulty is experienced by discharged convicts in obtaining employment. They are sent from the prison indifferently clad and with means scarcely sufficient to reach San Francisco. In that city there is but a limited demand for labor, and those who desire employes are not disposed to engage men who come directly from the prison. In many cases the convict leaves in impaired health and unable to work if he could find employment. He has neither money nor friends. What is to become of him? He has made up his mind to lead an honest life, but he cannot live on resolves alone. He must have food. Finding no one to sympathize with him, no one to encourage and give him a morsel to eat, he comes to the conclusion that society is waging an unrelenting warfare against him; he falls in with his old associates in crime, who relieve his wants, and in timehe returns again to the prison. That man is irretrievably ruined. Nor is this a fancy sketch. Cases of this sort have occurred in our own prison, and will, it is not doubted, occur again. Are we not, therefore, called upon, by every principle of humanity, to mitigate, if not remove, this great evil? Are we not, as Christians and as men, under obligations to do something toward encouraging this unfortunate class? If we can expend a thousand dollars annually from patriotic considerations, can we not appropriate an equal amount to alleviate the sufferings of discharged convicts and aid them in an effort to return to the paths of virtue and honesty? If these men could be furnished with the necessary means to enable them to reach the great field of labor many of them would reform and become useful citizens. Some of our benevolent citizens of San Francisco might form an association with a view to find employment for this unfortunate class, and much good might be effected. Such an association, by opening a correspondence with the mining and agricultural counties, could be extensively useful in accomplishing this object. The State, by placing a small amount in the hands of such an organization, would not only contribute to the reformation of the criminal, but save thousands of dollars to the Treasury. It is far better (as a mere question of economy) to appropriate a small sum to aid in getting them employment than to expend thousands in convicting them again and supporting them in prison. I have spoken of the city of San Francisco alone. because of the situation of the prison; nearly all the discharged convicts go directly to that city.

But I now dismiss this subject by again urging the necessity of making immediate provision for a branch prison at Folsom, or some other point which may be agreed upon. The views of the present Executive may be found in the last Annual Report of the State Prison Directors, to which

you are respectfully referred.

EXECUTION OF THE LAW.

Our criminal laws have generally been executed during the past year. It is true that instances have occurred where men have been deprived of their lives without due process of law, but these have been rare, compared with past years. Indeed, acts of this character have become somewhat frequent in other and older communities, and we would not, perhaps, suffer by a comparison with some of our sister States. These things bode no good to the Republic. If the people have sufficient intelligence to carry on a government founded upon their will, they ought to have stability and patriotism enough to see that the forms of the law are always complied with. By taking our criminal laws out of the hands of the courts, we strike the heaviest blow which can be struck at free institutions. There can be no security where an excited populace is permitted to execute the laws. It is to be hoped that an enlightened public sentiment will correct this evil here as well as elsewhere.

In connection with this subject, allow me to call your attention to the large number of homicides committed during the past year in this State. The reason may be found in the fact, that a considerable number of our people are in the habit of carrying deadly weapons, and where a quarrel ensues between two neighbors, one or the other falls. As, under the Constitution, the people have a right to bear arms, this evil is beyond the reach of legislation. It is folly to cumber the statute book with laws which cannot be executed, and therefore, public opinion alone must furnish the remedy. So, too, in regard to dueling; many valuable tives have been sacrificed in this State under what (I think) has been mis-called the "code of honor." So long, however, as the majority of he community sanction a resort to this mode of settling difficulties, so long they will continue to occur. The press has much to do with the formation of public opinion, and I deeply regret that this influence has not always been exercised to correct this evil. If gentlemen who adjust their difficulties without a resort to arms are taunted with cowardice, it cannot be expected that duels will not be fought. It requires, indeed, a high degree of moral courage to refuse to recognize a code which a majority of the community have sanctioned. The law prohibiting dueling has not been enforced, and therefore remains a dead letter upon the statute-book.

NATURALIZATION.

Many of our naturalized citizens, in visiting the country of their birth, have been called upon to perform military service to the sovereign whose

allegiance they had renounced.

Several cases in which this claim has been asserted are of such recent occurrence, and are so familiar to our people, as not to require a statement of their leading features. As the State of California numbers among her adopted citizens many whose business or family relations may require their return to their native land, some measures on the part of the Federal Government are necessary to ensure abroad their proper protection. Our treaties with various foreign powers, made for the purpose of extending friendly and commercial relations, provide that our citizens shall enjoy certain privileges for the pursuit of their business; and in those treaties the contracting government makes no reservation or exception respecting the subjects who may have become citizens under our laws. Foreign governments are well aware of our policy in respect to naturalization. It dates from the first days of our Independence; hence, the treaties made with us must protect all our citizens who can substantiate their claim to

the title. If we allowed foreign governments to discriminate on any pretext whatever between native and naturalized citizens, we depart from the spirit of our Constitution, and fail to perform our just obligations to those whom we have solemnly promised to protect. The nations with which we have treaties of friendship and commerce reap immense advantage from their intercourse with us, and they even profit by the privilege of their subjects becoming naturalized among us. Placed by the liberality of our laws on a perfect equality with our native citizens, the naturalized merchant is enabled to advance by this privilege the trade and industry of his former home. A government who seizes the persons of our citizens on the pretext, that by the mere accident of birth, they owe it military service, seriously disturbs the business relations not only of our commerce, but its own, and results in a far greater injury than the personal service of its so-called subject can repay.

In various parts of Europe military service is held to be due the sovereign; but he is empowered for any reason of public policy, or other con-

sideration, to release from this liability any of his subjects.

The exercise of the power to detain, against our remonstrances, any of our adopted citizens to perform this duty, on revisiting their early home, who had emigrated before attaining the age requisite to bear arms, and who would perhaps leave immediately after its performance, ought to be regarded as an unfriendly act of the former sovereign, and be met on our

part by a system of retaliation.

While it is believed that it is the duty of our government to protect the adopted citizen against the constructive claims of his former sovereign to his services as a military recruit, my experience has been of a character to prevent me from asking that the right of citizenship should be extended to those who are really actual deserters, either in time of war or peace. The opinion of mankind respecting the obligation of the soldier to be faithful to his flag, would justify no government in shielding by its action those who are faithless to this duty, and in my opinion the person guilty of this offense is not deserving of the title of an American freeman.

Although thus far national attention has been excited only by the claims of various nations on our naturalized citizens to perform military service, at times, too, when the great European powers were on the eve of war, there is another branch of the subject fraught with greater dangers to this class of our citizens than the assertion of right to their services as recruits. Our merchant marine employs a greater number of men than that of any other nation. It is estimated that about one-half its number, comprising seamen, officers, and a large portion of its commanders, are naturalized citizens, sailing with American protections. Nearly all the maritime powers of Europe have a system of naval euroliment by which their seafaring subjects are held to the performance of service in national vessels. Our extended commerce frequently exposes this class of our citizens to this danger, and if it has not more frequently occurred, it is owing to the fact that these powers have not been engaged in maritime warfare.

Against this claim, however, which may be as rightfully asserted by foreign powers as that for military service, our scafaring citizens of foreign birth have frequently not even the benefit of choice in returning to their native land. Commerce has its necessities, and the mariner must risk them or desert his post; hence he may be obliged to visit the land in which his name is enrolled as liable to naval service, and in which the value of the scaman is appreciated much higher than that of a military

recruit. Foreign Governments have disregarded the certificates of citizenship bearing the seal of the Federal Government, and should circumstances arise, an American protection would likely be less respected; and for this additional reason the soldier is necessary only to governments, while the services of the sailor are valuable to the sovereign, and even more so to the merchants of his realm: hence the claim for the latter is

more likely to be enforced.

Under many of our recent treaties, our citizens are allowed to inherit property in the countries with which made; and in return we grant their subjects similar privileges. In those treaties no reservation has been made by either party withholding their benefit from naturalized residents of the contracting powers. To enjoy this right, free access to the tribunals of the respective countries is solemnly guaranteed; but the practical benefit can be denied to great numbers of our citizens, if when visiting their early homes to assert this right, their former Sovereign either as military or naval recruits, claims their services as due to him for

a long period of years.

A treaty is in its nature a contract between two nations, made in the most solemn manner. In its effect it is far superior to the legislative The naturalized citizen of the United States, enactments of either. revisiting his native land, properly provided with his passport, is therefore entitled to invoke successfully the protection of the treaty, against all claims growing out of his allegiance to his former sovereign. As the citizens of California are deeply interested in this subject, I would recommend to the Legislature the passage of resolutions instructing our Senators, and requesting our Representatives, to support such measures as shall secure our citizens everywhere, the enjoyment of their rights regardless of birthplace. I think that the remedy would be attained by the enactment of a law empowering the President, on exhausting diplomatic measures, to obtain the release of our citizens, to declare differential duties on the vessels and cargoes of the offending nation, or to embargo their vessels for a limited period. The knowledge that such a power would be used, would prevent foreign governments from asserting the preetntions of which we complain.

CIVIL FUND.

I must again call the attention of the Legislature to our claim against the Federal Government, on account of revenue collected from our citizens, prior to our admission into the Union. This is a just and equitable demand, and it is hoped that payment will no longer be delayed. The balance due on this account, as stated by my predecessor, was two million seven hundred and six thousand five hundred and twelve dollars and thirteen cents. Had this fund been paid to us upon the organization of the State Government, as it should have been, our finances never could have been seriously embarrassed.

The discovery of gold, in 1848, threw at once into California an immense number of immigrants from every portion of the civilized world. The acquisition of wealth absorbed the thoughts of all. The scramble for gold commenced, and but few of the restraints of civilized society were felt or observed. Americans, however, who had been accustomed to constitutional governments, soon saw the necessity of an organization to protect persons and property. Military rule was incompatible with their ideas of civil liberty. The Convention which assembled the succeeding year, adopted a Constitution (subsequently ratified by the people) which made provision for the meeting of the Legislature in that year. Without a revenue system, with an empty treasury, and without the means to carry on the State Government, the Legislature authorized the issuance of bonds to the amount of three hundred thousand dollars, bearing interest at the rate of three per cent. per month, to meet their current expenses. Notwithstanding the enormous rate of interest, so little confidence at home, as well as abroad, was reposed in our resources, that these bonds depreciated, and were sold in the market as low as sixty cents on the dollar. Although we had untold wealth, yet it was of such a character that it could not be reached by taxation. It was in the soil, and when extracted, the larger portion of it passed directly out of the The necessaries of life were enormously high, and it was difficult indeed to devise a revenue system which would meet the wants of what then must necessarily be an expensive government. For a series of years the expenses were allowed to exceed the receipts, and, as a consequence, a large debt soon accumulated. Instead of that economy which prudence demanded, the wildest schemes were devised, and legislative speculators were allowed to plunge the State still further into debt. salaries of public officers were fixed at high rates, and of course a scramble for them commenced. A large number of patriotic citizens, who preferred the ease and quiet of office to toil and labor, were found ready to accept them. At the end of six years the good people found themselves incumbered with a debt of some four millions of dollars, and all of this, over three hundred thousand dollars, was contracted in direct violation of the Constitution. All that we can show to the world for this debt, is a badly constructed prison, and a tolerably respectable Insane Asylum; both of which could now be erected for less than four hundred thousand dollars.

The Supreme Court having decided that the debt was unconstitutionally contracted, in 1857, under the act of the Legislature of that year, the people were called upon to assume or repudiate it. Notwithstanding the treasury had been literally robbed and the property of the State shamefully squandered by public agents, the people by a majority of forty thousand six hundred and ninety-one, upon a popular vote of seventy-four thousand six hundred and thirty-one, assumed the debt and directed new bonds to be issued. No one acquainted with the character of our people ever doubted the result. But it is useless to revert to the past except to draw lessons which may be advantagous to us in the present and future.

Rigid economy in the Legislative, and industry, ability, and integrity, in the executive and judicial departments, will soon relieve California from all her financial difficulties and give her the proud position to which her inexhaustible resources entitle her.

HOMESTEAD LAW.

Section fifteen of article eleven of the Constitution, provides that the Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

Under this clause the Legislature, by act of April 21st, 1851, exempted from forced sale, the homestead consisting of a quantity of land with dwelling house, and its appurtenances, not exceeding in value the sum of five thousand dollars.

That clause in our Constitution was adopted for the protection of the family.

Unfortunately for the State the easy manner in which the marriage relation has been dissolved has resulted in serious injury to the welfare of minor children, and unless legislative action be had for the purpose of securing the homestead to the actual head of the family, the moral effect of that tie will be further lessened.

The married man, from prudential reasons, ought to have this property set apart and duly recorded in compliance with the provisions of a law

making this requirement.

From various causes, however, of business, absence, or other motive, he may neglect to do so. As the object sought to be obtained by the Constitutional clause is one of a most beneficent character, it is suggested that the wife, in certain cases, on petition to the District Judge, ought to be allowed to have the record made, and the property at once set apart for this purpose, and a sale of the homesterd should not be permitted without her consent in writing, made before a judicial officer. This subject is one of much importance, and I hope that it will receive your earliest and most carnest attention.

RESOLVES.

During the past year this department has received sundry resolutions, passed by Legislatures of some of our sister States, both North and South, upon the subject of slavery in the territories. These resolves I have been requested to transmit to you. As I cannot perceive that any good whatever could result from a discussion of this question at present. I have declined complying with their request. We have institutions here which suit us, and if our neighbors are less fortunate, they can change them whenever it suits their convenience. The fact must be apparent to all, that the agitation of the question of slavery has engendered a feeling between the North and the South, which now threatens the stability of the government. Recent occurrences, of a most unhappy character, in one of our sister States, have produced an intensity of bitterness, both North and South, which forces the patriot who loves the Union, to indulge in gloomy forebodings as to the future. That tie of affection, which in other days bound us so closely together, has become weakened and loosened. That enlarged patriotism, which once controlled and governed the people of the respective States, is now circumscribed within sectional limits, and as a consequence, the affection which they once felt for the Union has become seriously impaired. To maintain that fraternal spirit, which alone can hold us together, is becoming more and more difficult each succeeding year, and serious apprehensions are now entertained asto the permanency of the Union. Although vigorous efforts have been made from time to time to keep the question of slavery out of politics, all have proved unavailing. It is folly to shut our eyes and console ourselves with the belief that there is no danger. That which was once whispered in the most secret places, is now loudly proclaimed and boldly discussed in open day.

For more than forty years, commencing with stealthy steps, one portion of the Union has continued to assault the institutions of another, and in the meanwhile a new generation has come upon the stage of action to carry out the principles deeply impressed upon their minds by their fathers. Taught in their schools, churches, and theaters, to regard slavery as an accursed thing, and they who participate in it monsters of iniquity who violate all the laws of humanity, they are ready to act upon

these principles and pursue them to their legitimate sequence. I know that there is still a strong conservative element among us, but this grows out of the fact that a portion of the generation educated without sectional prejudices and taught to love and venerate the Union, are still lingering among us. But in a few years they will have passed away, and our institutions will be in the hands of those who have ceased to respect a Union which they believe (because they have been so educated) tolerates the most atrocious injustice.

Sad as it is to contemplate, that after threescore and ten years of almost uninterrupted prosperity, during which period we have built up a government which is now regarded by the civilized world as one of the first powers of the earth in every element of greatness, we should in the madness of the hour sacrifice all in a futile attempt which would not elevate the slave, while its only practical result would be to Africanize the

southern portion of our Union.

California, wisely, as I think, refused to tolerate slavery within her limits, but at the same time she has no disposition either by the discussion of the question, or otherwise, to interfere with the domestic institutions of other communities.

Standing upon the compromises of our venerated fathers, she says to the South, as well as the North, we are ready with our lives to protect all your institutions against aggression, come from whatever quarter it

may.

But after all, if the wild spirit of fanaticism which now pervades the land should destroy this magnificent Confederacy, (which God forbid) she will not go with the South or the North, but here upon the shores of the Pacific found a mighty republic which may in the end prove the greatest of all.

Painful as it may be, we are compelled to contemplate such an event as

possible at least.

In the meanwhile we have a work to accomplish in developing our vast resources, and laying the foundation of future greatness, which demand all our time and all our energies. In improving the moral and physical condition of our people, in enacting laws to promote their interests and secure their happiness, we can be much more profitably employed, than in discussing the question of slavery in the Territories. Besides, that kindly feeling which the States should at all times manifest towards each other, demands that we should abstain from anything calculated to render insecure or less valuable, the property of its citizens. While, therefore, I have the most profound respect for the Legislature of the States to which I have referred, in the performance of what is conceived to be my duty, I have declined sending these resolves to you.

ROADS, ETC.

Much has been done during the past two years to place us in closer communication with our Atlantic brethren. The construction of roads, and the establishment of mail routes by the Federal Government across the continent, have done a great deal to advance the prosperity of the State, and strengthen the ties which bind us to the Union.

It is not doubted that both of the established routes can be kept open during the whole year, and that the mails can be transported without se-

rious difficulty.

Indeed upon, one of them the mails have been carried in coaches during the past year, with astonishing regularity and dispatch.

The establishment of military posts at certain points on these roads to protect mails, passengers, and immigrants, from the attacks of Indians, is all that is necessary to complete the system. Settlements will soon be made along these routes, and in a very short time the posts can be broken up and abandonod. But after all, the necessities of the country, demand the construction of a Railroad. It is earnestly hoped that Congress, will at its present session, devise some plan for connecting the Pacific with the Atlantic. The information neces ary to establish the practicability of the work, has long since been obtained. Its necessity, no one questions, and hence there is no excuse for delay. The President of the United States, has with commendable patriotism, again and again in his annual messages invoked the attention of Congress to the subject. In the one of December, 1858, he says:

"The first and most momentous of these is, that such a road would be a powerful bond of union between the States east and west of the Rocky

Mountains. This is so self-evident as to require no illustration.

But, again, in a commercial point of view, I consider this the great question of the day. With the eastern front of our republic stretching along the Atlantic, and its western front, along the Pacific, if all the ports should be united by a safe, easy, and rapid, intercommunication, we must necessarily command a very large proportion of the trade both of Europe and Asia. Our recent treaties with China and Japan, will open these rich and populous empires to our commerce; and the history of the world proves that the nation which has gained possession of the trade with Eastern Asia, has always become wealthy and powerful. The peculiar geographical position of California and our Pacific possessions, invites American capital and enterprise into this fruitful field. To reap the rich harvest, however, it is an indespensable prerequisite, that we shall first have a railroad to convey and circulate its products throughout every portion of the Union. Besides, such a railroad through our temperate latitude, which would not be impeded by the frosts and snows of winter, nor by the tropical heats of summer, would attract to itself much of the travel and the trade of all nations passing between Europe and Asia."

Such a work, situated as we are, would, in a military point of view, be worth more for protection against foreign invasion than all the fortifications which are being placed in our harbors. Without a railroad, the Federal Government never can give us the protection to which, as a member of the confederacy, we are justly entitled. A few months since we were on the eve of difficulties with the British authorities on our northwestern frontier, and in the event of a collision the harbor of San Francisco would have been blockaded at once, and the city placed under contribution. Shut up that harbor for sixty days, and stop the shipment of gold dust, and the paper banks generally in the Atlantic States would break or suspend specie payments. The disastrous effect upon commerce and credit, would soon be seen and felt in every section of the country; nor would the Federal Government escape the shock. Her revenue would be so diminished as to affect seriously her finances, and impair the public credit. It is certainly the duty of enlightened statesmen to guard against disasters of this character. Although a generation has passed away since we had any serious difficulties with European powers, yet in the present condition of affairs, we can scarcely expect that these peaceful relations will continue much longer. Our commerce has increased until our merchant vessels are found on every ocean and every sea. Our interests often come in conflict with the interests of other

powerful nations, and in the struggle for supremacy, feeling may be engendered which will eventually result in war. The policy of our Government is to absorb the other States upon the American continent, and in the acquisition of a prize of this immense value, we must expect to meet with opposition from abroad. The jealous powers of Europe cannot be expected to stand aloof and see State after State drawn into the Federal Union, and the strength and in portance of America overshadow them. He knows nothing of the progressive spirit of our people, who cannot foresee that our destiny is to cover the continent. This will be accomplished, unless in the madness of our prosperity we break up the Union, and sever the cord which binds us together, and constitutes our might and our power. As a united family, what a glorious destiny awaits us. Divided and distracted, torn to pieces by intestine factions and civil wars, the name of American will cease to be respected by the civilized nations of the globe.

The difficulties, to which allusion has been made, upon our Northern frontier, have not been settled, and as each government asserts in the most positive terms its right to the Island of San Juan, we may be involved in a war at a very early period. However much we would deplore a war with Great Britain, or any other power, still, with all its horrors, it would be far preferable to disgraceful submission. It is true the full force of the first blow would be felt here, but gallantly and bravely

would our patriotic sons meet the emergency.

But the importance of a railroad connection with the Atlantic has been so often demonstrated, that it is not deemed necessary to discuss the subject any further.

The last Legislature, by a joint resolution, invited a Convention of citizens residing upon this coast, to meet at San Francisco, to devise some

plan to secure the construction of the road.

Delegates were elected from all classes of the people in various parts of the State, and also in Oregon and Washington. A Convention assembled on the — day of September, and proceeded to discuss the subject in extenso. Much valuable information was elicited, and a deep and lively interest manifested in the speedy commencement of the work. In the meanwhile, memorials have been forwarded to Congress, and an agent dispatched to attend specially to this matter. It is not doubted that our Senators and Representatives will also do all in their power to secure this work, which has been properly designated "the necessity of the age." The Convention was subjected to some expense in printing memorials, circulars, etc., which ought to be borne by the State. We should remember that we have a rival, owning large possessions upon this coast, who has the activity, the energy, and the necessary means to construct this work. I allude, of course, to Great Britain. In the great struggle which is now going on, to obtain the control of the commerce of Asia, it may prove much more formidable, if we foolishly delay the construction of this railroad, and British America, instead of the United States, may reap the advantages.

There is another subject intimately connected with this, upon which I desire to submit a few observations, I refer to the establishment of a line of mail steamers from San Francisco to China via Sandwich Islands and Japan. Congress has already established a number of mail routes connecting several of our Atlantic sea-ports with Western Europe, thus giving to our sister States many advantages which have been denied to us. We have nearly as much territory now on the Pacific as we had on the Atlantic coast forty years ago. Their citizens, however, have,

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through postal arrangements, direct communication with Europe, while with Asia fronting us upon the west, we are dependent upon the irregularity and uncertainty of merchant vessels for the transmission of our correspondence, and this mode of communication is frequently closed to our merchants by rival interests. Or, if we desire to avail ourselves of the mails established by the Federal Government, we must send our correspondence to New York, thence to England, subjected to the surveillance of British officials, and thence to Asia, reaching the latter point in eighty days. A steamer running direct from San Francisco could reach China in eighteen or twenty days, and this, after a railroad is completed, would place China as near New York, in point of time, as San Francisco now is.

The opening of several ports recently in China and Japan, which countries embrace one-half the population of the globe, must vastly increase our commerce, and the establishment of a line of steamers, such as is proposed, would facilitate this very much. The commerce of the Pacific has now become so important that a squadron of armed vessels are constantly required for its protection. Steamers running regularly via Sandwich Islands and Japan to China would, to a considerable extent, supercede the necessity of this naval force, and the Federal Government would not then be compelled to send vessels of war, at a vast expense, to hunt up distressed or shipwrecked seamen upon that coast, or to give protection to American citizens resident in those countries. Besides, these vessels could be so constructed that, in case of necessity, they could readily be converted into war steamers. The policy of the British Government, for many years, has been to establish mail routes to all foreign nations with whom she holds commercial intercourse. Her statesmen do not stop to inquire whether the postages received will defray the expenses, but, looking to the increase of commerce and the general advantages resulting from frequent intercourse, multiply mails in every direction. Indeed, looking at it as a mere postal arrangement, it is probable that the excess of expenditures in that country, over and above receipts, amounts to more than three millions of dollars per annum.

In the recent European war, England and France were enabled, by employing the mail steamers, which their policy had encouraged, to transport their troops and munitions of war to the field of operation in a remarkably short time. Much of their success is attributable to the rapidity of their movements in placing a large and well-supplied force in

the field at an early day.

Millions have been expended in sending fleets to China and Japan to make commercial treaties and open new ports, and we are likely to derive very little advantage from this for want of a small appropriation to aid in the establishment of a line of mail steamers. That immense commerce, so eagerly sought after in all ages, by all nations, and which has always enriched those who enjoyed it, is likely to fall into other hands, because of the failure of the Federal Government to act. The organization of two States and one Territory on the Pacific, gives America a position where she could readily command this trade, and thus contribute towards the prosperity of every section of the confederacy. Short-sighted indeed is that policy which allows the opportunity to pass.

In our sister States, where railroads constitute an important feature in their affairs, railroad companies are required by law to report all their operations annually to the Legislature. In this way the representatives of the people obtain valuable statistics, which enable them to protect their rights, and so legislate as to promote the public good. In this State, as

we have but one road, of but twenty-two miles completed, it is not yet a matter of much practical importance. However, the intelligent and obliging engineer on this road, J. P. Robinson, Esq., has furnished me with some statistics, which may be interesting to you and the public.

The Sacramento Valley Railroad was organized in 1853. Its work of constructing was commenced in February, 1855. The first rail was laid on the 9th of August, 1855. It was formally opened to Folsom (twenty-two miles,) on the twenty-second of February, 1856, although it commenced its operations on the first of January, 1856:

Its Capital Stock is	\$800,000 400,000 329,000
Its present represented cost is	\$1,529,000
Its gross earnings from Jan. 1st, 1856, to Sept. 30, 1859, is Expenses for same period	\$700,000 333,000
Its net earnings for same time	\$367,000

During that period three hundred thousand persons have been transported over the road, who have traveled six million miles. During that period forty-one thousand tuns of freight have been transported over the road. Of which amount, sixty-one thousand tuns have been a newly developed business, that otherwise would not have existed. Not one accident to life or limb of a "passenger has occurred upon the road." It may be a matter of surprise, that although three hundred thousand persons have traveled over this road, no accidents resulting either in death or in injury to limb have occurred. This speaks well for the management of the road. It may appear strange to learn that the cost of working it is less than that of many of the eastern roads. This, however, will appear from the following statement, which has been carefully compiled:

Comparison of the Expense per Mile run by Trains on the following named Roads.

Items of Running Expenses.	New York	New York	Hudson	Sacramento
	Central,	and Erie.	River.	Valley.
For repairs, Cars and Engine For Conductors, Baggage men, etc. For Engineers and Firemen For Fuel consumed For Oil consumed Total	4 7-10 23 2-10	26 6-10 7 7 7 16 1-10 3 3-10	24 9-10 6 4-10 5 27 2 2-10 65 5-10	15 8-10 15 11 11 3-10 1 5-10 54 6-10

For the purpose of exhibiting the comparison in the economy of operating, the items of emploéy's salaries, ought not to be estimated; for on the first three named roads they are constantly occupied, while on the latter but small portion of the time. Then the comparison—

Would be	49 6-10	46	54 1-10	28 6-10

As roads of this character will soon be constructed in our State, I recommend the passage of a law requiring those who control them to report annually in detail all their operations to the Governor or the Legislature.

A remark or two upon another subject not directly connected with

this, however, and I am done.

In consequence of the difficulties in which our citizens are constantly involved because of the unsettled condition of the Mexican States lying contiguous to California, I would rejoice to see the Federal Government establish a protectorate over them. The people of that ill-fated Republic have proved themselves wholly unable to maintain a stable government which can give protection to either person or property. Our adventurous people who frequently go to those States for commercial purposes, are very often subjected to great losses and annoyances. They are sometimes, too, deprived of their property and liberty, because they may have incurred the displeasure or excited the suspicion of some arbitrary officer. As a general principle, "entangling alliances" should be avoided, but as these States will ultimately be absorbed, as has already been said, by our Republic, and as they are now too weak to carry out the laws of nations and secure the citizens of other States against aggression, we should take them under our protection.

PARDONING POWER.

The Constitution confers this power upon the Governor in the most unqualified terms.

It is true that sound policy requires that the different departments of the government should interfere as little as possible with each other, still a refusal to exercise the pardoning power in all cases out of respect for the judiciary, would violate every principle of justice and humanity.

The Executive in his sphere must act independently and upon the conviction of his own judgment. It is the business of the Courts to convict men who have, as they believe, violated the laws of the State: but it is also the duty of the Governor to extend his elemency whenever he conscientiously believes that the individual is entitled to it. I have as much respect for the Legislative, as for the Judicial department; and yet as the Executive I have frequently been compelled to withhold my approval from bills, although passed by those who were the representatives of the people, and who came directly from them.

I do not believe in the infallibility of either courts or juries. Like all other human tribunals, they sometimes err in this as well as in other communities. It is admitted, however, as a general principle, that the frequent use of the pardoning power is calculated not only to destroy that certainty of punishment which is essential to the due administration of our criminal laws, and also interferes with the discipline of the prison.

In this State under the wild excitement which frequently prevailed in various localities, men were sentenced for unusually long terms, and

sometimes upon insufficient proof.

My experience and observation have forced me to the conclusion that in a new country, composed of a population drawn from all parts of the globe, that passion or prejudice sometimes control the action of juries, and the innocent are made to suffer.

Again, at different periods, crimes become so frequent in some counties, that courts and juries inflicted, by way of example, extraordinary pun-

ishments to arrest the evil.*

This may have had a salutary effect, but as the causes of these severe punishments have ceased to exist, there is no reason why the convict should still suffer. Whenever, therefore, after a careful review of the record, the punishment was believed to be excessive, I have not hesitated to extend executive elemency.

There are many persons in prison, sentenced for ten years, upon conviction of grand larceny, under ordinary circumstances, for the first offense. In all well-regulated communities, this punishment would be regarded as excessive. In addition to this, a few years since, Judges, in order to propitiate popular favor, or cater to the clamor of the day, sought to establish the reputation of severe, rather than just, officers.

Another consideration has had its influence upon my action. Under our wretched prison system, the old accomplished burglars and thieves, and the impetuous and ardent young men who, perhaps, in a fit of ungovernable passion, or under the influence of liquor, drew a deadly weapon upon their fellows, but who still have generous and honest impulses—are thrown promiscuously together. The graduated villains, from the prisons of other countries, are there to detail their deeds of villainy, and teach lessons to the young and unsophisticated, which, in all human probability, will ruin them for ever.

Men, perhaps, tenderly raised under the parental roof, and who hope and expect to return again to their families and friends, are thrown in with convicts who have run a long career of crime, and whose hearts are

hardened beyond redemption.

In some of the rooms as many as sixty or seventy are lodged together, without the restraining influence of an officer or guard. Here songs are sung, tales of infamy recited, and crimes committed of the most abhorent character. Under these circumstances, the young and unsuspecting,

who might have been reformed, come out confirmed villains.

I said in my last Message "that unless something is done speedily to provide for the accommodation of this army of convicts, the Executive might be compelled to pardon some of them, with a view to their transportation beyond the State. The law of self-preservation may compel me to throw them upon other communities." I have acted upon this principle in several cases, as will be seen upon examination of the record during the past year. Some of these convicts have, at the request of their relations, been sent to their homes in the Atlantic States, and it is hoped and believed that a portion of them, at least, have reformed; here they never would.

During my administration a number of convicts have been discharged upon testimony discovered since their conviction, which if given on trial would have acquitted them. As in this State, we have so many migratory persons without any habitation or fixed abode, it is often found

^{*} In some cases, the Judges who sentenced have applied for pardon, and assigned this as a reason for length of sentence.

difficult to secure the attendance of witnesses, especially after a considerable period of time intervenes between the arrest and trial. In view of this it is suggested, that the criminal practice act, be so amended that a new trial may be had in criminal cases at any time, where the newly discovered evidence is of such a character as to induce the Court having jurisdiction of the case, to believe that the prisoner has been improperly convicted. In that tribunal, all the facts could be elicited and a full and fair trial had. As it is now, the Governor may be deceived or imposed upon by exparte affidavits, or the statements of persons unacquainted with all the evidence. Surely, no innocent man should be allowed to remain in any prison, and especially the one at San Quentin.

In consequence of complaints having been made in some quarters that this power has been abused, a comparison has been instituted between the present and preceding administrations. The last two years of Governor Bigler's administration, (1854–5) forty-four persons were pardoned, being six eighty-six-hundredths per cent. During the two years of Governor Johnson's administration forty-nine were pardoned, being four twenty-seven-hundredths per cent., and during the present administration sixty-six were pardoned, being five eighty-six-hundredths per cent.

The fact is to be remarked, that of the number pardoned by this administration, sixteen were placed on vessels and sent out of the State. In other words, banishment was substituted for imprisonment. Twelve, also, of the number pardoned were discharged, upon condition that a conviction of violating the criminal law of the State should operate as a forfeiture. Thus leaving unconditionally pardoned, during the two years only thirty-eight, or three thirty-seven-hundredths per cent. In this calculation, men whose term had expired, and were merely restored to citizenship, are not included. It should also be remembered that five of these convicts, in imminent danger of death unless released, were pardoned upon the certificate of the Surgeon of the prison, in compliance with the statute of eighteenth May, 1853.

I have also examined the reports of the prisons in other States, and find, taking the latest accessible to me, the following result:

Per Centage of Convicts Pardoned in following States:

STATE.	Number.	Pardoned.	Year.	Per Cent.
Tennessee	427	105	1857	24 60-100
New Jersey	362	67	1857	18 50-100
Texas	197	30	1857	15 25-100
Maine	113	10	1857	9
New York	1869	139	1856	7 43-100
New Hampshire	135	9	1857	7 40-100
Massachusetts	452	29	1857	6 85-100
Mississippi	140	10	1858	7 15-100
Ohio	842	47	1857	5 58-100
California	1125	66	1858-'59	5 86-100

I may possibly have permitted, in some instances, my sympathies to control my judgment; but, hardened indeed must be the feelings which

never yield to the cries of the broken-hearted mothers, wives, or sisters, of these unfortunate men. If I could have divested myself of all the sympathies which belong to humanity, I might have resisted all these appeals and sternly said to the sufferer. "Go your way, there is no clemency for you in this world." To say to these wretched men: "It is true that your crimes are not very great, but you struck your fellow-being in a moment when passion, not makee, controlled your actions, and you must look to God and not to man for forgiveness.

It is difficult, indeed, to refuse to exercise the power, when we have it, to send joy and gladness to the hearts of those laboring under the deepest afflictions; to restore to an affectionate wite an erring husband, whom she still loves, or to a fond mother her wayward and reckless, though not

vicious, son.

In conclusion, let me say, that if I have erred, it has been upon the side of mercy, and I am satisfied.

VETO POWER-CONCLUSION.

In the exercise of this power I have never allowed my personal or party feeling to control my actions. If I had pursued a different course which, it seems, was expected in some quarters. I might have retained the friendship of many who are now arrayed against me, but I must have

lost my own self-respect.

During the first session of the Legislature, a sense of public duty compelled me to veto some twenty bills which were sent to me for approval. Some of them had nothing to commend them other than that the parties who were to be the beneficiaries, were political or personal friends of the Executive. My past history ought to have been a sufficient guaranty that no such consideration could be abowed to influence me. Special legislation has been the great curse of this State. Upon booking over the laws which have been passed during my administration, notwithstanding the frequent use of the veto power, a large number of them were special or private.

During the session of 1858, of the laws enacted, one hundred and seventy-seven were special, seventy-eight private, and only eighty-four gen-

eral.

In the session of 1859, two hundred and twelve were special, forty-nine

private, and sixty-eight general.

This statement of itself, shows the reason why sessions of the Legislature are produged, and why the expenses of that department are neces-

Sarily so great.

The history of the State has abundantly proved that the legislative power had frequently been used to carry out the schemes of speculators, and put money in their pockets by plundering the public treasury. I saw the controlling influence which a lobby members "exercised over legislation, and against all these things I determined to make war without stopping to count the cost to me individually. I said in my Inaugural Address to the people: "I may injure myself, but the State shall not be shipwrecked during my administration, if I have the power to prevent it. is far more important that I should be right, than that I should be praised, and therefore I will do what I conceive to be my duty, at all times, and under all circumstances, and leave the vindication of my character, if assailed, to my acts and to posterity."

It I have not retained the confidence of the honest masses who live by the sweat of their brow, and not by legislation, it is a matter of deep regret. I am sure that I have endeavored to protect their interests against a class who have fattened by unwholesome legislation. At all

events, I am contented to abide the judgment of posterity.

As has been already shown in this communication there is now six hundred and sixty-two thousand eight hundred and seventy-six dollars and eighty-nine cents in the treasury, and it is quite probable, judging from the past, that schemes of every character and description will be devised to deplete it. The temptation is strong, and the inventive faculties of the depletors almost unlimited. I trust, however, that you, as the faithful representatives of the people, will take care that schemes calculated to advance private, rather than the public, interest, are frustrated. Whenever you find a strong lobby influence brought to bear in favor of a particular measure or claim, it will be well to give it your closest scrutiny before it receives your sanction. A greater portion of those laws which in past years embarrassed the treasury and seriously affected the public interests, were passed through the extraordinary efforts of lobby members.

It is exceedingly unfortunate that we have so many persons in this State who take but little interest in the administration of public affairs. This grows out of the fact, that a large number have come to seek their fortunes and then return again to their homes to enjoy them. Many, too, engaged in business, transmit their annual earnings to their families in the Atlantic States, and intend to depart as soon as a certain amount is realized. It cannot be expected that men thus situated care much about the present or future prosperity of the State. When our people bring their families here, settle down and look upon this as their future homes, we may expect more stability in public sentiment and a diminution in the influence of itinerating politicians.

He who expects to find the Executive chair an easy one will be sadly mistaken. It is difficult, indeed, in a community like ours, where so many duties are imposed upon the Governor, and where there are so many conflicting elements at work, to administer public affairs satisfactorily to the people. His efforts to promote the general good will not always be properly appreciated, and his motives will sometimes be misunderstood

or misrepresented by the designing.

He has patronage to bestow, and this, in a community where applications for office are very numerous, is a fruitful source of difficulty. I have seen enough of public affairs to satisfy me that frequently when an officer devotes his whole energies to the correction of a public abuse of long standing, there is a large and influential class in society who at once charge that he is acting from personal and other than patriotic motives; in other words, that he is seeking to advance his private interest, instead of the public good. Indeed, there seems to be a great many men here who think that selfishness alone controls the action of public officers, and that there can be no such motive as a sincere desire to promote the prosperity and happiness of the people. The faithful officer, although his labors may not be appreciated by his fellow citizens, will have his reward in the conciousness of having honestly discharged his duty to his country.

But to me, the cares, troubles, and anxieties, of this office are over. They are to-day transferred to another, and I hope they may sit more lightly upon him than they have upon me. I trust, also, that he may be able to do more for the permanent interest of the State than I have accomplished during the past two years. That I have committed errors, is undoubtedly true, but I think they will prove of such a character as not

to affect seriously the prosperity of the State.

I came into the executive office wholly unacquainted with its duties, and with but little knowledge of State affairs. I had been a greater portion of the six preceding years absent from the State, and during that time my mind had been absorbed in the exciting questions which were then being agitated upon a different theater. I do not, therefore, feel humiliated by the confession that I have committed errors. It is to be hoped, however, that the kindly feeling which the good people of California have always extended to me, will prompt them to throw the mantle of charity over them, and do me the justice to believe that I have served them to the best of my humble ability.

Allow me, in taking leave of you, the representatives of the people, to say that in the private walks of life, my constant prayer to the Giver of every good and perfect gift, will be for the peace, prosperity and happiness of our beloved State.

JOHN B. WELLER.

APPENDIX

TO

GOVERNOR'S MESSAGE.

STATEMENT

Showing a General Abstract of Assessments of Real and Personal Property from the Organization of the State Government to the present year, 1859, inclusive.

1859.	8,020,838.00 2,330,840.00 2,185,697.00 647,688.00 647,688.00 647,688.00 1,246,176.00 1,246,110.0
1858.	8,020,886 09 2,258,449 00 2,421,390 00 519,151 00 519,151 00 519,151 00 5,150,533 00 1,068,908 00 1,185,702 00 1,185,702 00 1,185,110 00 8,015,110 00 8,015,110 00 1,185,110 00 1,186,846 00 6,019,948 0
1857.	3,020,836 00 2,445,494 34 2,445,798 00 3,125,840 00 3,125,890 00 81,153 00 81,153 00 81,173 10 81,173 10 8
1856.	2,599,751 00 1,740,336 00 1,975,047 00 1,575,047 00 1,575,047 00 1,580,136 00 400,413 50 642,355 00 645,672 00 1,890,182 00 2,015,295 00 2,015,295 00 2,015,295 00 2,173,382 57 10,585,821 00 3,918,477 01 1,220,388,054 00 3,918,477 01 1,220,388,00 418,477 11 1,220,388,00 418,477 11 1,220,388,00 1,148,249 00 1,148,249
1855.	8,558,860 00 2,267,977 00 1,1259,053 00 1,710,408 00 2,550,488 00 1,2125,615 00 1,2125,615 00 1,2125,615 00 1,1818,875 00 1,204,017 00 1,180,875 00 1,804,017 00 1,804,017 00 1,804,017 00 1,804,017 00 1,804,017 00 1,804,017 00 1,804,017 00 1,804,017 00 1,804,017 00 1,804,017 00 1,804,017 00 1,804,017 00 1,804,017 00 1,804,017 00 1,808,0288 00 887,0288 00 887,0289 00 1,804,071 00 1,808,401 00 1,808,401 00 1,808,401 00 1,808,401 00 1,808,401 00 1,808,401 00 1,808,401 00 1,808,401 00 1,808,401 00 1,808,401 00 1,808,401 00 1,808,401 00 1,808,401 00 1,808,401 00 1,808,401 00
1854.	4,388,179 1,008,448 1,505,178 2,330,084 8,218,218 826,119 826,119 826,108 1,763,081 1,763,787 1,763,787 1,763,787 1,763,788 1,764,788 1,764,788 1,764,788 1,764,788 1,764,788 1,764,788 1,764,788 1,764,788 1,764,788 1,764,788
1853.	8,472,837 2,094,146 1,470,131 1,995,109 8,660,369 8,660,369 1,681,422 1,681,422 1,681,422 1,681,422 1,196,975 8,237,892 8,237,893 1,196,975 1,196,
1852.	858, 958, 958, 966, 840, 858, 966, 840, 840, 840, 840, 840, 840, 840, 840
1851.	533,952 367,661 1,753,648 697,651 1,638,308 803,140 803,140 804,192 304,192 6,331,024 8,031,000 304,192 1,715,183 1,715,183 1,000 2,984,100 2,984,100 2,984,100 1,184,821 1,184,
1850.	2,002,410 572,410 572,410 1,931,403 1,006,893 1,006,893 1,006,893 1,006,893 1,821,134
COUNTIES.	Alameda Amador Butte Butte Colusa Agress Marin Mariposa San Diego San Bernardino San Diego San Marec San Clar San San Colus San Marec San Clar San San Colus San San Colus San Marec

2,502,432,00 738,682,00 738,682,00 2,308,908,00 1,134,906,00 2,171,230,00 2,277,388,00 5,881,725,00	\$131,060,279 49
2,502,482 00 4,346,320 00 736,682 00 2,104,501 00 1,320,901 00 1,320,901 00 2,335,650 00 2,335,650 00 5,551,725 00	\$123,955,877 00
2,502,482 00 4,846,320 00 665,182 00 1,741,381 00 1,231,056 00 2,848,821 00 2,848,821 00 2,848,821 00 2,848,821 00 6,355,488 00	\$125,859,461 82
642,422 00 1,817,104 00 1,004,075 00 2,564,318 00 5,667,152 00	97,193 55 \$95,007,440 97
2,794,372 00 3,941,173 00 642,988 00 1,703,647 00 642,077 50 2,205,610 00 5,109,804 00	\$103,897,193 55
4,590,498 4,098,630 577,978 1,243,148 477,055 193,137 2,463,986 1,970,576 4,945,517	\$111,191,600
3,851,048 2,880,309 755,304 526,615 199,914 2,374,861 1,177,625 3,695,267	\$95,335,646
2,896,795 1,657,091 617,894 233,873 1,620,911 1,321,969 2,280,906	\$64,588,375
1,178,756 1,627,572 741,732 215,812 504,927 599,343 1,894,412	\$49,231,052
2,709,246 1,187,672 1,292,618 269,702 2,374,060	\$57,670,689
Solano Sonoma. Sanoma. Stanislaus Sutter. Trinity Tulare Tulolumne Yolo	Totals

LIST OF PARDONS,

Granted by Governor John B. Weller for the year 1859.

Names of Petitioners known to Gov. W. T. Barbour, District Judge; T. L. Hatch, District Attorney, Mat. Woods, Sheriff; J. B. Kyle, Deputy	Sucini, G. A. Ang, T. W. Scrone.		Paper mislaid.
Grounds on which Petition is based. That circumstances have occurred since his trial, that tend to establish the innocence of the crime.			
Date of Application. Date of Name of Convict. Crime. Co. whence Sentence. Grounds on which Petition is based. Names of Petitioners known to Gov. Jan. 26, 1859. William Wallace. Murder in sec. Yuba 10 years That circumstances have occurred since W. T. Barbour. District. Just rial, that tend to establish the inno-Hatch. District. Attorney: Mark. cence of the crime.	DECISION.—In this case, the District Judge before whom he was tried, has filed an affidavit expressing the firm belief that the person is entirely innocent of any crime, and the District Attorney who prosecuted, and nearly every member of the bar in Marysville, and also the jury who tried him, say that recent circumstances have satisfied them of his innocence. Let him be pardoned.	Date. Name. Crime. County. Sentence. Reb. 15, 1859. A. Hohenshell Manslaughter.	Decision.—This man was convicted of manslaughter, and sentenced to imprisonment for two and a half years; since this conviction he has become entirely blind, as two entirent proves an excellent character up to the commission of this crime. The District Julge who tried the case, the District Automatory who prosecuted, eight of the jurgas who passed upon it, the county officers, and some five hundred citizens, funding a large mijority of the respectable men of Stockwon, have recommended a pardon. Let him be discharged.
Date of Name of Convict. an. 26, 1859. William Wallace	DECISION.—] he was tried, he that the person pistriet Attorn of the bar in say that recent nocence. Let	Date. Name. eb. 15, 1859. A. Hohenshell	DECISION.— sentenced to in his conviction physicions cert proves an exec crime. The D Attorney who upon it, the co including a lar. bon, have recor

Names of Petitioners known to Gov.		John O'Menra, Edward Pollock, Jas. R. Travers, H. A. Cobb, Matthew Keller, H. M. Alexander, N. A. Potter, Er, K. H. Dimmick, David Honey, John Page, I. Wheeler, A. H. Peter-	son, John King, Inox, D. Mott, J. H. Smith, John Foster, Herry Han- cock, J. C. Welch, Alex. Bell, and many others.
Grounds on which Petition is based. That the punishment is a great deal too great for the offense, and that said M.	Robinson has arready been punsities sufficiently to satisfy the requirements of justice; that, heretofore, he was always known as an honest, industrious young man. He was not a professional gambler, but when caught in the act, was merely dealing cards, temporarily, for another.	That the conviction in this case was had John O'Monra, Edward Pollock, Jas. during a period of unusual excitement R. Travers, H. A. Cobb, Matthew in San Francisco; that from the evidence Fedler, H. M. Alexander, N. A. Portoft the surgeon, who testified at the trial, ter, K. H. Dimmick, David Honey, the wound was not necessarily mortal, John Page, I. Wheeler, A. H. Peter,	and the previous good character of the prisoner.
Date. Name. Crime. County. Sentence. Grounds on which Petition is based. Feb. 17, 1859 M. Robinson Gambling Tuolumne 1 year That the punishment is a great deal too	DECISION.—This is the case of a young man of twenty-one years, who was convicted of gambling, and sentenced to the State Prison for one year. He has been imprisoned nearly four months. It is represented to me by a majority of the jury who convicted, the District Attorney who prosecuted, the Associate Justice before whom the trial was had, the county officers in the General Assembly from that county, to gether with some one hundred of the most respectable citizens of Sonora, that he is not a gamble by profession; that he had always sustained the character of a hard working, in the daily again, temporarily, for another, and had no only dealing the game, temporarily, for another, and had no only dealing the game, temporarily, for another, and had no interest whatever in the game. Four mouths in the State Character. Let him be pardoned.	Name. Crime. County. Sentence. Felix Gallardo Assault with in. Los Angeles 1 year ily injury	DECISION.—In consideration of the previous good character of this man, which is vouched for by three hundred citizens of Los Angeles County, the destitute condition of his family, and the strong recommendation of all the officers in tence will be remitted.
Date. Feb. 17, 1859		Date. Feb. 21, 1859	

Names of Petitioners known to Gov. The Members of the Legislature from Mariposa County, and a large number of citizens.		
Date. Date. Name. Crime. County. Sentence. Grounds on which Petition is based. Grounds on which Petition is based. Names of Petitioners known to Gov. February 22. Gearard M. Jones. Mariposa 20 years. That the circumstances of the killing of The Members of the Legislature from ond degree Date Per never substantially as following and a large number of the Legislature from the accounty, and a large number of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Legislature from the account of the Members of the Legislature from the account of the Account o	the fatal affray, there had been frequent difficulties between the parties. That Ogg was a man about thirty years of age, reckless and dangerous, and often drinking, and when drinking ever ready to engage in any difficulty, perfectly deconage in any difficulty, perfectly deconage of only regard for his own, or the lives of others. That Ogg had often the returned to take the life of Jones, and had frequently with him. That on the night of the difficulty with any commenced by some high words between the perries, which grew more and more severe until Jones fixed at Ogg and killed him, when Ogg was about to seize his pistol, which was near the counter of the sand where the difficulty happened. That Jones was prompted to commit the eart of week of the difficulty happened. That Jones was prompted to commit the act to be feel in pistol, and easted bone fife was in miniment peril, and not from a design to commit a wanten on slaught; That the known character of Ogg, his recent threats against Jones life, together with their attempting to commit the act for which he was indicted.	
County. Sentence.	myieted of murder in the imprisonment for twenty was good. There were cirase tending to show that he District Judge who tried o prosecuted, the County alymen, together with some gift implored Excentive clean on condition that he he pays, and that he never again of three thousand dollars tioned for his removal bettinned.	
Name. Crime. Gearard M. Jones. Murder in second degree	Decision.—This man was convicted of murder in the second degree and sentenced to imprisonment for twenty years. His previous character was good. There were circumstances connected with the east-ending to show that he was acting in self-effense. The District Judge who tried him, the District Automy who prosecuted, the County Judges, the Senators and Assemblymen, the Sheriff, and all the other officers of Mariposa County, together with some one thousand citizens, have strongly implored Executive clemency. Let him be pardoned, on condition that he he placed in the custofy of his brother, J. Y. Jones, and sent out of the State within twenty days, and that he never again must be given to the State conditioned for his removal before he is discharged.	
Date. February 22 G	**************************************	

Names of Petitioners known to Gov. Captain Pease of the revenue-cutter Marcy, and officers of prison.	J. H. Haralson, District Attorney, Marin County; R. B. Frink, County		Sheriff of Sonoma County.	
Grounds on which Petition is based. That he was only nineteen years of age (aptain Pease of the revenue-cuttor when the crime was committed, and has been imprisoned nearly three years, and during that time his conduct has been such as to gain the confidence of the officers at the prison.	That he is a native Californian, and whol- J. H. Haralson, District Attorney, Maly ignorant of our laws. The amount rin County; R. B. Frink, County		That his testimony is necessary in four cases.	
Name. Crime. County. Sentence. Nicanora Romero. Decision.—This man was convicted of highway robbery in June, 1856, and sentenced to imprisonment for ten years. He has now been confined nearly three. In consequence of his extreme youth (nineteen years) when the crime was committed, and his exemplary conduct since, he will be parfonned, on condition that he be placed on board the revenue cutter, Gov. Marcy, in charge of Captain Pease, and that he never land in this State.	Date. Name. Crime. County. Sentence. March 9, 1859. Jose Antonio Vea.	DECISION.—This man is a native of California, ignorant and wholly unacquainted with our laws. He was convicted of stealing horses, and has now been in prison six and a half years. His conduct, the officers of the prison certify, has been good. The County Judge, and all the other officials of Marin County, together with the Senator and Assemblymen from Marin and Los Angeles counties, and some one hundred and fifty citizens, have recommended a partion. Believing his punishment has been enough for this crime, he will be pardoned.	Date. Name. Crime. County. Sentence. March 26, 1859 Lewis Mahoney Grand Larceny. Santa Clara. 5 years That his testimony is necessary in four Sheriff of Sonoma County.	DECISION.—Let a pardon issue for Lewis Mahoney an escaped convice, on the ground that his testimony is necessary in four important cases. He is pardoned on condition that a violation of the criminal laws of the State shall operate as a forfeiture.
Date.	Date. March 9, 1859		Date. March 26, 185	

E c H

Names of Petitioners known to Gov.	Jno. O'Meara, Edw'd Pollock, James R. Travers, H. A. Cobb, Ezekiel Wilson, E. L. B. Brooks, Orrin Bai- ley, Harvey Jake, J. Marrin Reese,	James Meetin, William Lang, Geo. B. Bidleman, Robert J. Tobin, Chas. S. Biden, and others.	A. T. Langton, Wm. M. Stewart, H. B. Corutt, Will Campbell, Homer King, J. R. Plunkett, Lewis Bartlett	and thirty-tour outers.	
Crounds on which Petition is based.	April 5, 1859. William Wilson. Murder in sec. San Franco 20 years That the conviction in this case was had Jno. O'Mearn, Edw'd Pollock, James April 5, 1859. William Wilson. But in sec. San Franco 20 years That the conviction in this case was had Jno. O'Mearn, Edw'd Pollock, James April 5, 1859. William Wilson. B. L. B. Brooks, O'rrin Bain and Prancisco; that from the evi. Wilson, E. L. B. Brooks, O'rrin Bain and Control of the surgeon who testified at the ley, Havey Jake, J. Martin Reese,	trial, the wound was not necessarily mortal; and the previous good character of the prisoner.	Date. Date. Name. Crime. County. Sentence. That he has been imprisoned six months; A. T. Langton, Win. M. Stewart, H. Homed April 11, 1859. Henry C. Fitch Grand Larceny. Sierra 1 year	vious irreproachable character.	
	nn Fran'co 20 years T	June, 1856, at San rey excitement, and years. An eminent ho was killed, died dence satisfies me ter, and as his clar- ter, and as his clar- offense was good, a violation of the is a forfeiture.	County. Sentence.	ideasure to interpose him, condersored the statute, lar-him, condensored to a watch to pay him. Virons to this act sussible in the Atlantic amber of citizens in Maromey, have solicicondition that a vice condition that a vice e State shall operate	
	Murder in sec-San	DECISION.—This man was convicted in June, 1836, at San Francisco, during a period of extraordinary excitement, and sentenced to imprisonment for twentry years. An eminent surgeon testifies that the colored man who was killed, died from mal-practice, and that the wound was not a dangerous one. A careful examination of the evidence satisfies me that it was at most a case of manishanghler, and as his charten it was at most a case of manishanghler, and as his charten was the commission of the offense was good, the will be pardoned on condition that a violation of the criminal laws of the State shall operate as a forfeiture.	Crime. Cand Lareeny. Sicr	Decision.—In this case it affords me phensure to interpose Executive elemency. His erime was, under the statute, largent, His relation who had employed him, custeword to energy in outs of his wages, and her tooks a watch to pay him, self. He proves that he had always previous to this act sustaint an irreproachable character, and has in the Atlantic fraince an irreproachable character, and has in the Atlantic States an excellent family. A large number of citizens in Sterna County, including the District Attenuery, have solicited a partdon. He will be partdoned on condition that a viorient of any of the criminal laws of the State shall operate as a forfeiture.	
	Name. William Wilson	DECISION.—This Francisco, during a sentenced to imprange or restlifies the from mat-practice, one. A careful ex that it was at most acter previous to I the will be pardot criminal laws of the criminal laws of the common continuation.	Name. Henry C. Fitch	DECISION.—In the Executive element ceny. His relation ceny. His relation cent, in the control of the cent him out of I self. He proves the cent of the	
	Date. April 5, 1859		Date. April 11, 1859		

Names of Petitioners known to Gov. Uriah Edwards, J. H. Siddins, Thos. Rochford, and two hundred other citizens of Sonoms County.	Thos. Wells, County Judge; Jno. S. Berry, Associate Justice; C. G. Lincoln, Associate Justice; Jos. H.	Thos. Wells, County Judge; Juo. S. Berry, Associate Justice; Jos. H. Lincoin, Associate Justice; Jos. H. Kinnell, L. Barwell, S. W. McConghow, F. M. Smith, P. Maguire, James G. Howard, T. E. Heges, Deputy Sheriff, Jared Forbes, A. G. Simpson, H. W. Bordwell, Thos. T. Miller, J. W. Mason, J. S. Dickey, L. W. Tiffany, E. L. Mongomery, J. S. Loug, R. F. Fentoy, J. Murphy, Deputy County Clerk, D. W. Cheesman, Win, J. Burnside, John F. Kimmers, Countx Recorder, Lewis C. Granger, Philip Farrelly, Jas. O'Brien, J. P. Ripley, Owen Murphy, and forty-five others.		
Grounds on which Petition is based.	That when the crime was committed he Thos. Wells, County Judge; Jno. S. was wholly under the influence of liquor, Berry, Associate Justice; C. G. and was entirely unconscious of the act	he was perpetruing; that he is a young man, and has ever borne an irreproach-able character; that he was never known to indulge in alcobic drinks during five years he has resided in California, uttil at the time the difficulty took place.		
	Sentence	of excellent c drink, be- a man with It is repre- tte Justices, with a large was wholly		
County. Sonoma Sonoma connected wing this man character whis labor for has hall be refer will be refered.	County. Butte	young man e of alcoholing at stabbing as difficulty. dige, Associals, together a ens, that he be pardoned.		
Crime. Felony circumstances on my mind the as his previous y dependent on rrm, three month or my, three my, three month or my, three month or my, three my, thre	Crime. Assault with intent to commit murder	is the case of the field to the use of a party, and and a party, and and a party of the County of the case of the thin acts. Let him		
April 12, 1869. Ed. McLaughlin., Felony Sonoma Sentence. Decision.—The circumstances connected with this case leave an inpression on my mind that this man was acting in self-defense, and as his previous character was excellent, and he has a family dependent on his labor for support, the remainder of his term, three months, will be remitted.	Date. Name. Crime. County. Sentence. April 15, 1859. R. H. Meacham. Assault with in Butte tent to commit murder murder.	DECISION.—This is the case of a young man of excellent character, not addicted to the use of alcoholic drink, becoming intoxicated at a party, and stabbing a man with whom he had no quarrel or previous difficulty. It is represented to me by the County Judge, Associate Justices, Sheriff, and other county officials, together with a large unnonser of other respectable citizens, that he was wholly unconscious of his acts. Let him be pardoned.		
Date. April 12, 1859.	Date. April 15, 1859.			

Names of Petitioners known to Goy. A. W. Talliaferro, W. R. J. MacKay, Henry Morgan, Henry R. Johnson,	G. D. Hall, John Hume, J. Carpen- ter, Westmoorland, John White, Henry M. Fiske, J. M. Carubins, S. M. Johnson, S. A. Merritt, J. W. Coffroth, W. J. Fenguson, R. M. Anderson, J. M. Estell, and sixty- three others.			The Surveyor of Siskiyou County, and a large number of citizens. Also, a memorial from some forty members of the Ohio Legislature.	
Grounds on which Petition is based.				Crime. County. Sentence. Murder, commus-Shasta Life Serious doubts as to his guilt. ted to impris- on ment for	
Sentence.	sonment for that years, oorts to me ie if longer od, let him any of the	Sentence.	vessel and	Sentence.	his conviction the hands of b, and never
County.	ed to imprised four and a prison rep at he will dhas been go has been go cofeited.	County.	on board a	County. Shasta	curred since to his guilt, placed in to of the State
Crime. Grand Larceny.	DECISION.—This man was sentenced to imprisonment for eyens. He has now been confined four and a laff years, of the surgeon and physician of the prison reports to me with leadin is very bad, and that he will die if longer nifned. As his general conduct has been good, let hime pardoned, on condition that if he violates any of the liminal laws of the State, it shall be forfeited.	Crime. Robbery	DECISION.—This man was placed on board a vessel and nt out of the State. The papers in this case have been isplaced.	Crime. County. Murder, commus. Shasta ted to imprissonment for infe.	DECISION.—Circumstances have occurred since his convic- n which leave a strong doubt as to his guilt. With the pe that he may reform, he will be placed in the hands of friends, and by them taken out of the State, and never turn.
Date. Name. Crime. County. Sentence. May 14, 1859. James F. Morse Grand Larceny. San Franc'o 5 years	Decision.—This man was sentenced to imprisonment for five years. He has now been confined four and a ladf years, and the surgeon and physician of the prison reports to me that his health is very bad, and that he will die if longer confined. As his general conduct has been good, let him be pardoned, on condition that if he violates any of the criminal laws of the State, it shall be forfeited.	Date. Name. Crimc. County. Sentence. May 16, 1859. Washing'n Dillon Robbery. Napa. 10 years	DECISION.—This man was placed on board a vessel and sent out of the State. The papers in this case have been misplaced.	Date. Name. May 16, 1859. Charles Blair	Decision.—Circumstances have occurred since his couvic- tion which leave a strong doubt as to his guilt. With the hope that he may reform, he will be placed in the bands of his friends, and by them taken out of the State, and never return.
Date. May 14, 1859.		Date. May 16, 1859.		Date. May 16, 1859.	

Names of Petitioners known to Gov. Niles Searls, James Churchman, S. W. Boring, Henry Meredith, J. B. Van.	ngen, Geo, A. Young, J. J. Caldwell, and nineteen others.	Charles Newman, Solomon Nathan, and four hundred other citizens of Sacramento County.		1		_
Grounds on which Petition is based.		That the evidence on which he was convict. Charles Newman, Solomon Nathan, ed, was entirely circumstantial, and that and four bundred other citizens of the has an aged mother residing in New Sacramento County.	York, who is dependent upon him for support.			
Sentence.	ighter, and rict Judge rosecuted, large num- a pardon. I with the sufficiently		a doubt as that he be some port California.	Sentence.	ready been into he has rison. He in the cus- we on the t, and that	_
County.	d of mansla The Districtions, who ji licials, and a rongly urged es connected	County.	lence having it to produce on condition for condition for the form to the return to remain in the	County.	ad of grand here. He has a ring which trial at the here placed a that he left here of that he left here. The of August	risoned again.
Crime. Manslaughter	DECISION.—This man was convicted of manslaughter, and served out one-half of his time. The District Judge fore whom he was tried, and the Attorney who prosecuted, ith the Sheriff, and other county officials, and a large number of respectable citizens, have strongly urged a pardon careful review of the circumstances connected with the onicide satisfies me that he has already been sufficiently mished. Let him be pardoned.	Crime. County. Assault with in Sacramento tent to kill	DECISION.—Some additional evidence having been ob- fined since his conviction calculated to produce a doubt as his guilt, he will be particised on condition that he be aced on a stemship at San Francisco bound for some port youd the State, and that he never return to California, ntil a vessel is ready to sail he will remain in the prison.	Crime. Grand Larceny.	DECISION.—This man was convicted of grand breceny, and needed to five years imprisonment. He has already been prisoned more than two years, during which time the has vered faintfully, and been very useful at the prison. He il be pardoned on condition that he be placed in the cusady of James Henry Ramsey, and that he leave on the samer bound for Panenn, on the fifth of August, and that never return to this State.	* Returned to State, re-arrested and imprisoned again.
Date. Name. Crime. County. Sentence.	DECISION.—This man was convicted of manshaughter, and has served out one-half of his time. The District Judge before whom he was tried, and the Attorney who prosecuted, with the Sheriff, and other county officials, and a large number of respectable citizens, have strongly urged a pardon. A careful review of the circumstances connected with the homicide satisfies me that he has already been sufficiently punished. Let him be pardoned.	Date. County. Sentence. County. Secremento July 12, 1859. Lewis Strelitz Assault with in Sacramento 5 years	DECISION.—Some additional evidence having been ob- tained since his conviction calculated to produce a doubt as to his guilt, he will be partioned on condition that he be placed on a stemnship at San Francisco bound for some port beyond the State, and that he never return to California. Until a vessel is ready to sail he will remain in the prison.	Date. Name. Crime. County. Sentence. Aug. 1, 1859 David Renton* Grand Larceny. Sacramento 5 years	Decision.—This man was convicted of grand larceny, and sentenced to five years imprisonment. He has already been imprisoned more than two years, during which time he has served faithfully, and been very useful at the prison. He will be pardoned on condition that he be placed in the custody of James Henry Ramsey, and that he leave on the elecance bound for Panema, on the fifth of August, and that he never return to this State.	* Returned to State
Date. June 1, 1859.		Date. July 12, 1859.		Date. Aug. 1, 1859		_

Names of Petitioners known to Gov. J. R. McConnell, Phil. Moore, J. M. Dawley, E. W. Smith, and one hun- dred other citizens of Nexada Co.		Hornce Smith, J. P. Hardy, Wm. S.	Heard, and two hundred others.	W. Bidwell, and one hundred other citizens of Sutter and Yuba coun- ties.	
Grounds on which Petition is based.					
Date. Name. Crime. County. Sentence.	Decision.—The Physician and Superintendent Surgeon of the State Prison having certified that this convict is in inniment danger of death from consumption, in accordance with section four of "An Act prescribing the manner of applying for pardons, he will be released from imprisonment."	Name. Crime. County. Sentence.	Decision.—This man has been imprisoned three years on conviction of grand larceny. In consideration of his youth, and some extennating circumstances connected with the crime, he will be pardoned, on condition that he be placed in the castedy of his brother, ——Green, and that he be conveyed at once beyond the State, and never return within, its limits.	C. J. Farley. Crime. County. Sentence.	DECISION.—This man having served two and a half years, and behaved himself with propriety, in consideration of his previous good character, and the present helpless condition of his family, will he pardoned on condition that if he vichlates any of the criminal laws of the State, the pardon will be forfeited.
Crime. Murder, second Y degree	Physician and Superving certified that death from consult. "An Act prescrit he will be released	Crime. Grand larceny P	man has been imp d larceny. In constitute ting circumstance ardoned, on condi- his brother, reyond the State, ar	Crime. Passing coun-8	man having served if with propriety, if acter, and the prey be pardoned on co minal laws of the
Name. Henry Plummer	DECISION.—The the State Prison himsent danger of with section four opping for pardons,	Nathan'l Green	DECISION.—This conviction of gram and some extenua crime, be will be pin the castedy of conveyed at once bits limits.	Name. C. J. Farley	DECISION.—This and behaved himse previous good chan of his family, will lates any of the cribbe forfeited.
Date. Aug. 15, 1859.		Date. Aug. 15, 1859.		Date. Sept. 8	

Names of Petitioners known to Gov. A. S. Hart, Wm. H. Rhodes, J. M. Burt, and one hundred and seventy-	five other citizens of Butte County.	Capt. Gordon, and twenty-three offi- cers and employes of the prison.		
Grounds on which Petition is based.				
Sentence.	ded in this dige before ho prosecutors of Butter. Es) and the don condition. Thomas this date to his State.	Sentence.	the County of Attorney n, who tes- soned three in the cus- we the State at he never	
	is recommentation the Ju- transpersion of the Attorney we cetable citizes we set the citizes where the attorney and libe pardone day of his under days from a return to the commentation of the commentation o	County.	neinded by the district of the District of the prison who can impriment such the be placed of that he lear acreof, and the	
Crime. Grand larceny	DECISION.—Executive clemency is recommended in this see by all the county officials, including the Judge before hom he was tried, and the District Attorney who prosecute, and a number of the most respectable citizens of Butter, consideration of his youth, (seventeen years) and the pet that he can be reformed, he will be pardoned on condition that he be placed in the custody of his uncle, Thomas narnel, and sent within twenty-five days from this date to a parents in Ohio, and that he never return to this State.	Crime. Grand larceny	DECISION.—A pardon is recommended by the County dogs before whom he was tried, and the District Attorney to presected, and all the officers of the prisson, who test ye to his good conduct. He has now been imprisoned threat a half years. Deeming this punishment sufficient, he like pardoned on condition that he be placed in the cus dy of Capt. Geo. W. Simpton, and that he leave the State thin twenty days from the date hereof, and that he never turn.	
Date. Name. Crime. County. Sept. 15, 1859. James Adair Grand larceny. Butte	Decision.—Executive elemency is recommended in this case by all the county officials, including the Judge before whom he was tried, and the District Attorney who prosecuted, and a number of the most respectable citizens of Butte. In consideration of his youth, (seventeen years) and the hope that he can be reformed, he will be pardoned on condition that he be placed in the custody of his uncle, Thomas Charnel, and sent within twenty-five days from this date to his parents in Ohio, and that he never return to this State.	Date. Sept. 15, 1859. Jno. W. Cotton Grand larceny San Franc'o 8 years	DECISION.—A pardon is recommended by the Commity Judge before whom he was tried, and the District Attorney who presecuted, and all the officers of the prison, who testify to his good conduct. He has now been imprisoned three and a half years. Deeming this punishment sufficient, he will be pardoned on condition that the be placed in the custody of Capt. Geo. W. Simpton, and that he leave the State within twenty days from the date hereof, and that he never return.	13
Date. Sept. 15, 1859.		Date. Sept. 15, 1859.		

Names of Petitioners known to Gov. A. Solomon, O. J. Payne, and two lumdred and tifty other citizens of Novada County.		E. Burk, District Judge; William A. Gerand, County Circk; S. A. Mer-	rit, and many other citizens of Mariposa County.		
Grounds on which Petition is based.				Pardoned on the certificate of the Surgeon of the prison.	
Date. Name. Crime. County. Sentence. Sept. 26, 1859. John McCabe Murder in sec. Nevada 10 years	DECISION.—This man was convicted of murder in the second degree, and has been imprisoned one year. The District Judge before whom he was tried, and the District Attorney who prosecuted, together with a large number of the most respectable citizens of Nevada, have recommended a pardon. An examination of the circumstances connected with the homicide, satisfies ne that he is a proper subject for Executive clemency. Therefore, he will be pardoned.	Date. Name. Crime. County. Sentence. Oct. 13, 1859 Samuel White Grand larceny Mariposa 10 years	DECISION.—It is represented to me by the Surgeon of the prison that this man is laboring under a disease which must prove fatal unless he is speedily released. He will be pardoned.	Date. Nome. Crime. County. Sentence. Oct. 13, 1859. W. C. Sanbroke. Grand larceny. San Franc'o 3 years Pardoned on the certificate of the Surgeon of the prison.	DECISION.—This man was accidentally wounded by one of the Ganzd, and it is represented to me by the Singeon of the prison that his wound will terminate fatally unless he is released from confluence. He will be partened on condition that a violation of any of the criminal laws of the State shall operate as a forfeiture.
Date. Sept. 26, 1859.		Date. Oct. 13, 1859		Date. Oct. 13, 1859.	

Names of Petitioners known to Gov.				Chas. Doane, Sheriff, the District	forty other citizens of San Fran- cisco.	1
Grounds on which Petition is based. Pardoned on the certificate of the Surgeon of the prison.		On certificate of the Surgeon of the prison.				
Date. Name. Crime. County. Sentence. Grounds on which Petition is based. Oct. 13, 1859 Frank Perkins Grand larceny Calaveras 6 years Pardoned on the certificate of the Surgeon of the prison.	DECISION.—This man was accidently wounded by one of the Guard, and is represented to me by the Surgoon of the prison that his wound will terminate fatally unless he is refleased from confinement. He will be pardoned on condition that a violation of any of the criminal laws of the State, shall operate as a forfeiture.	Date. Name. Crime. County. Sentence. Oct. 14, 1859 Carlos Estrado Rape Calaveras 5 years On certificate of the Surgeon of the prison.	DECISION.—In this case the Surgeon of the prison certifies that the convict is afficted with the consumption and a scro-fulous disease, and in imminent danger of death. He will be pardoned, and placed in the hands of his friends.	Date. Name. Crime. County. Sentence. Oct. 14, 1859. Geo. Gilman. Murder in sec. San Franc'o 10 years	DECISION.—The previous good character of the convict, the peculiar circumstances under which the honoicle was committed; the unfortunate condition of his two little children; the high standing of the gendlemen who have invoked Becutive clemency have induced inc to pardon him. A pardon will therefore issue.	
Date. Oct. 13, 1859 F	6sen	Date. Oct. 14, 1859	1	Date. Oct. 14, 1859.	20080	

6sen

List of Parpons-Continued

Names of Petitioners known to Gov- Joseph Walkup, Lieutenant-Gover- ner, and Ifve hundred other good	Chizens of tarest County.	John F. McCauley, Jno. Simms, and five other officers of the prison.	
Grounds on which Petition is based.			
Sentence.	the grounds micide was of micide was of the convicted; he excitement. Seented by the county officials, Placer County. Placer County. Place will be particulated with the criminal.	Sentence.	arly fre years, ood, and as he ment, he will the castody of the castody of a some vessel return to this
County.	based upon with the he to lave be tried after itition is pre ed by the (citizens of, afficiently, he observed.	County.	aprisoned ne have been gist imprisoned as a be put in sed on boar to the never the never
Crime. Manslaughter	DECISION.—This application is based upon the grounds at the connection of this man with the homicide was of the abstracter that he ought not to have been convicted; at one much more to blame was tried atter the excitement seed off and acquitted. The petition is presented by the eutennuc-Governor, and is signed by the County Judge, epistrict Attorney, the Sheriff, and other county diseing gether with some eight handred citizens of Piecer County. Alleging the has been panished sufficiently, he will be paramed on condition that if he violates any of the criminal was of the State this pardon shall be forfeited.	Crime. Grand larceny	DECISION—This man has been imprisoned nearly five years, this previous character seems to have been good, and as he s conducted himself well since his imprisonment, he will pardoned on condition that he be put in the castody of trman Cordes, and by him placed on board some vessel und for a foreign port, and that he never return to this ate.
Date. Name. Crime. County. Sentence. Oct 19, 1859 William Roberts Manslaughter San Franc'o 6 years	Decessor.—This application is based upon the grounds that the connection of this man with the homicide was of such a claracter that he ought not to have been convicted; that one much more to blane was tried after the excitement, passed off and acquitted. The petition is presented by the Lieutennut-Governor, and as signed by the County Judge, the District Attorney, the Sheriff, and other county official, together with some eight handred citizens of Placer County, Glegaries with some eight handred citizens of Placer County, Glegaries be has been punished sufficiently, he will be paradoned on condition that if he violates any of the criminal laws of the State this pardon shall be forfeited	Dete. Name. Crime. County. Sentence. Oct. 27, 1839 Stephen Blake Grand larceny San Franc'o 7yrs 10 mos	Decision.—This man has been imprisoned nearly five years. As his previous character seems to have been good, and as he has conducted himself well since his imprisonment, he will be pardoned on condition that he be part in the custody of Herman Cordes, and by him placed on board some vessel bound for a foreign port, and that he never return to this State.
Date. Oct 19, 1859		Date. Oct. 27, 1859.	

Names of Petitioners known to Gov.				Chas. A. Hari, County Judge of Frenco County, James Styles; Wm. A Scott. Shoriff Present	County, and eix hundred other clittens of San Joaquin and Freeno counties,
Date. Name, Crime, County, Sentence. Grounds on which Petition is based. Names of Petitioners known to Gow. 2, 1859. Henry Hayes Grand larceny. Tuolumne. 7 years Upon the servificate of the Prison Physical Prison Physical Prison Physical Prison Physical Prison Physical Physic					
Sentence.	ien sent to fined more eports that with a peri-	Sentence.	and the pro- ess his rela- to be highly ed upon the dy of Luke s steamship	Sentence.	ughter, and isr with the circumstan-them to be-the pury who is character citizen, and it, he will be atting any of orkiture.
County. Tuolumne	y years old whas been con the prison repeated and the prison repeated also been the discharged.	County.	young man, a the rained unlift of a said will be pardoned in the custon a board of the and that he h	County.	ted of mansla ng to be famil says that the nitted, induce nitted, prefits s his precision and penceable andly punished riction of viol
Crime, Grand larceny	nan was twent; nd larceny. He like Physician of m chronic pleur, ch will undoubtec	Crime, Grand larceny	convict is quite a will be hopeless the East, and w claim him. He we that he be place I by him placed o on the 26th inst.	Crime. Manslaughter	DECISION.—This man was convicted of manslaughter, and out one thousand, citizens claiming to be familiar with the sts connected with the bromicide says that the circumstansuader which the act was committed, induce them to nyieted, revenued a parton. A majority of the jary who nyieted, recommend a parton. A majority of the jary who nyieted, recommend a parton. As precious character parts to have been that of a quiet and percentice circum, and their who have been that of a quiet and percentice, the best hat he has been sufficiently journshed, he will be a redoned on condition that a conviction of violating any of ecriminal laws of this state shall operate as a forfeiture.
Name, Henry Hayes	Decision.—This man was twenty years old when cent to the prison for grand larceny. He has been confined more than five years. The Physican of the prison reports that the is suffering from chronic pleutu-preumonia with a periodical effusion which will undoubtedly cause his death unless his is peedily released." Let him be discharged.	Nov. 18, 1869. David Dunn, alias Grand larceny. Sacramento 14 years	DECISION.—This convict is guite a young man, and the probability is that he will be hopelessly rained unless his relatives who reside in the Zast, and who are said to be highly respectable, can reclaim him. He will be jardoned upon the express condition that he be placed in the custody of Luke B. Richardson, and by him placed on board of the steamship bound for Fanama on the 26th inst., and that he never returns to this State.	Date. County. Sentence. Now, 19, 1866. James C. Glenn. Manslaughter San Joaquin 2 yrs 3 mos.	Decision.—This man was convicted of manslaughter, and about one thousand, citizens claiming to be familiar with the facts connected with the been cide says that the circumstances ander which the act was connitted, induce them to be lieve that it was justifiable. A majority of the jary who convicted, recommend a particle. As is previous character appears to have been that of a quict and percenble citizen, and as I believe that he has been sufficiently punished, the will be pardoned on condition that a conviction of violating any of the criminal laws of this state shall operate as a forfeiture.
Date. Nov. 2, 1859		Date. Nov. 18, 1859.		Date. Nov. 19, 1859.	

Names of Petitioners known to Gov. Robert Robinson, District Judge; Clerk, District Attorney, and six.	county.	J. T. Landum, County Judge; Edw. R. Sheel, Associate; Enseus Dirk: erson, Associate; Jus. D. Wing.	District Attorney: Juo. Anderson, Clerk; Juo. Talinsbean, Sheriff; twelve Trial Jurymen, eight Grand Jurors, and thirty other citizens of Shasta County.
Grounds on which Petition is based. Names of Petitioners known to Gov. Robert Robinson, District Judge: Clerk, District Attorney, and six-			
Date. Name. Crime. County. Sentence. Nov. 30, 1859. John Hogan Grand larceny	Decision.—This man was convicted of grand larceny, upon a plea of guilty, and sentenced to imprisonment for one vent. It is represented to me by the Grand Jury, the County Judge, and District Attorney, that the is a young man, and this his first offense: that his confession enabled the prosecuting witness to obtain his money, and that by his testimony alone an old offender now under indicement can be brought to purishment. Upon this statement of facts he will be pardoued on condition that a violation of any of the criminal laws of this State shall operate as a forfeiture.	County. Sentence.	DECISION.—This man was convicted of an assault with a deadly wearon and sentenced to pay a fine of two inndred and fifty dollars, or be imprisoned three months. He is a solidier of the United States Army, and has no friends to pay the fine. The Judges who tried the case, the District Attorate wor who prosecuted, the Grand Juny, and the Trial Jury, together with a number of the most respectable citizens of Shasta, recommend a pardon. As he has been imprisoned three months, let him be pardoned.
Crime. Grand larceny	DECISION.—This man was convicted to put plee of guilty, and sentenced to intil it is represented to me by the Grand, and District Artorney, that he is a yarmers to obtain his confession er witness to obtain his money, and that a wind of ferheder now under indement shamen. Upon this statement of factor condition that a violation of any this State shall operate as a forteiture.		I man was convict I sentenced to pay r be imprisoned to ded States Army, an edd States Army, an holer of the most d a pardon. As tim be pardoned.
Name. John Hogan	DECISION.—This a plea of guilty, in it is represented to and District Allor first offenes: that witness to obtain an old offender no indiament. Upon it this State shall op this State shall op	Dec. 1, 1859. Henry Baker. Assault with a deadly weapon	Decision.—This man was convidently weapon and sentenced to partial differenced to provide the first of the United States Army, the line. The Judges who tried in the line. The Judges who tried in gether with a namber of the most gether with a namber of the most share, recommend a pardon. A three months, let him be pardoned.
Date. Nov. 30, 1859.		Date. Dec. 1, 1859.	

N. 3	County.	British Consul at San Francisco, Mr. Drummond, and others of Sacramento.		
Grounds on which Petition is based.				
	arceny, and is previous trate said to may be able the custody or New York or return to	Sentence.	e than four s. character relatives in that he be british Gown in board the and that he had that he	
County.	ed of grand lur years. Hin New Yorkpe that they und placed in transported to transported to that he new	County. Sentence.	prisoned mon His previous him to his on condition isul, of the E ced by him o	
Crime. Grand larceny	DECISION.—This man was convicted of grand larceny, and we been imprisoned more than four years. His previous arracter was good, and his relatives in New York are said to bigilly respeciable. With the hope that they may be able reform him, he will be pardoned, and placed in the custody his brother, — Held, and by him transported to New York 7 he steamship of the 5th inst, and that he never return to	Crime. Assault with intent to commit murder.	DECISION.—This man has been imprisoned more than four arts for assault with intent to kill. His previous character as good. With a view to return him to his relatives in soland, he will be pradoned upon condition that he be ken by the Consul, or Acting Consul, of the British Gowment at San Francisco, and placed by him on board the ritish vessel "Brumley Moore," about to sail, and that he wer return to this State.	
Date. Name. Crime. County. Sentence.	DECISION.—This man was convicted of grand larceny, and has been imprisoned more than four years. His previous character was good, and his relatives in New York are said to be highly respectable. With the hope that they may be able to reform him, he will be pardoned, and placed in the custody of his brother. — Held, and by him transporred to New York by the steamship of the 5th inst., and that he never return to this State.	Dec. 8, 1859 Robert McClair Assault with intent to commit murder.	Decision.—This man has been imprisoned more than four years for assently with intent to kill. His previous character was good. With a view to return him to his relatives in Scotland, he will be predomed upon condition that he between by the Consul, or Acting Consul, of the British Government at San Francisco, and placed by him on board the British vessel "Brumley Moore," about to sail, and that he never return to this State.	
Date. Dec. 2, 1859		Date. Dec. 8, 1859		

LIST OF PARDONS-Continued

Names of Petitioners known to Gov. Judge Eno of Calaveras, who sentenced him		B. F. Washington, Geo. Pen. Johnston, J. Berry, B. F. Bradley, and James Anderson, Bennerors, Joseph Walkap, Lieut-Governor; Joho. C. Gordon, and twelve officers of the prison.		
Grounds on which Petition is based.				
Date. Name. Crime. County. Sentence. Dec. 12, 1859 John Cahill Grand larceny Calaveras 7 years	DECISION.—This man has been imprisoned six years and one half (6.1-2), on a charge of grand larceny. The County Judge says that in consequence of the frequency of crimes line Chartersa County at the time of his conviction, he was sentenced for a very long term in order to make an example. He thinks that he ought to have been pardoned long since concurring with the Judge that the has been punished aufficiently, he will be pardoned on condition that if he violates any of the criminal laws of the State, it shall operate as a forfeiture.	Date. Crime. County. Sentence Dec. 16, 1859 Valentine Ritchie. Murder in sec. San Franc'o. 15 years	DECISION.—This man was convicted of murder in the second degree, and has been imprisoned a little over two years. There were many extenuating circumstances connected with the homicide, and but for the local excitement which prevised at the time of his conviction, upon the restinony in the case, his crime was at most, manshaghter. As his previous character was good the will be partened on condition that he be taken from the prison by Captain Frank Hardy, and by him placed on the seemship bound for Funanna, which sails on the 20th inst., and that he never return to this State.	
Date. Dec. 12, 1859.		Date. Dec. 16, 1859.		

PARDONS FROM COUNTY JAILS, BY GOV. JOHN B. WELLER.

Names of Petitioners known to Gow lty N. Pierce, Ormer & Co., Cornelium ine McCaulley, F. Murray, Thomas Mo. Dublin, Juo, Poster, R. H. Owens	J. W. Owens, H. Elsworth, and			
Ocounds on which Petition is based. That said Cruz is quite roung, and if gui of the offense inputed to him, was vivin or dune of an old offender, we	was shrewd enough to avoid detection and punishment, and we submit that the ends of Justice would be subserved if your Excellency would pardon and remit the residue of his punishment, and his friends are desirous of taking him out of the State.	Date. Date. Name. Crime. County. Sentence. That prior to the commission of this offense he was an honest and industrious man; that his wife was lafteneed by wife, and smemed to imprisonment on the brig for two hun; regrets, and is anxious for his liberation dred and say days, the bas now been confined for the two days, and a large number of respectable critizens, have solicited a pardon, on condition that he leave the county of Sacramorto immediately, and his return within a wear will operate as a forfeiture of the pardon.		
Sentence. 10 months.	unty Jail on se other for n to Mexico, nousand doi- et a pardon de on board he never re-	Sentence	for two hun- rty-two days, riccons, have recountly op- rear will ope- any of the eiture of the	
County. San Franc'o.	ted in the Coor six and the store to see the picture of the six and six and the picture of the p	County.	ted of an asset to the brig a conflued for respectable of at he leave that he leave that at he violating of violating	
Crime. County. Sentence. Petit Larceny San Franc'o. 10 months.	DECISION.—This boy is now confined in the County Jail on to charges of petit larceny; one for six and the other for to charges of petit larceny; one for six and the other for at months. His friends are descrous to send him to Mexico, at they have executed a bone, in the sum of one thousand doing the neaver will return to California. Let a pardon sare upon the express condition that he be placed on board wassel bound for some Mexican port, and that he never return.	Crime.	DECISION.—This man was convicted of an assault upon his fire, and sentenced to imprisonment on the brig for two hundred and shay days; he has now been confined for ty-two days, wife, and a large number of respectable cifery. have been day to we another of the fire of the county of veramento immediately, and his return within a veer will open as a forfeiture. A conviction of violating any of the firminal laws of the State, shall operate as a forfeiture of the ardon.	
Name. Manuel Cruz	Decision.—This boy is now conduced in the County Jail on two charges of pent lareny: one for six and the other for four months. His friends are desirous to send him to Mexico, and they have executed a bond, in the sum of one thousand dulars, that he never will return to California. Let a pardon issue upon the express condition that he be placed on board, a vessel bound for some Mexican port, and that he never returns.	Name. Crime. Frederick Keefe.	Decision.—This man was convicted of an assault upon his write, and sentenced to imprisonment on the brig for two hundred and skyydays; he has now been confined fortgrawe days, and his wife, and a large number of respectable criticals, have solicited a parion, on condition that he leave the county of Sacramento immediately, and his return within a year will operate as a forfeiture. A conviction of violating any of the pardon.	
Date. Jan. 5, 1859		Date. Jan. 20, 1859		

LIST OF PARDONS FROM COUNTY JAILS-Continued.

Names of Petitioners known to Gov.		A. M. Roschorrough, County Judge; Ed. H. Stener, District Attorney; Robt, S. Greene, Assistant Justice;	F. A. Rodgers, County Clerk; Ju- may V. Brown F. E. R. Philips, County Trespurer; G. M. Pierson, Associate Justice Court of Ses- sions, J. Berry, and Juo. Crosby.
	cessive; that he is poor, and suffering very much from rheumatism, and that confinement will endanger his life.	Pate. Name. Crime. County. Sentence. Feb. 10, 1859. John Hebel Petit Larceny Siskiyon 6 membs & That his conduct heretefore has been above A. M. Roseborrough, County Judge. \$500 time. serpteion, and at the time the larceny. Eil H. Shoren, Discrime Alternory. state of mr. Rola, S. Greene, Assistant Justice.	toxication.
County. Sentence.	an assault with a nid was fined five to be committed. In alarge number of trepreent that he umatism, and that fine is regarded by condition that all he never again vio-	County. Sentence. skiyou 6 menths & 7	petit harveny, and iskiyon County for fred delbass. The and other officials, from the period of the period of the must serve out his
Crime. Assault with Alameda	Decision.—This man was convicted of an assault with a deadly weepon, (an ordinary pen-knife,) and was fined five hundred dollars, in ease of failure to pay, to be committed. The District Attorney who proceeded, and a faze, number of respectable citizens familiar with the facts, represent that he is poor, and suffering very much from rheumatism, and that confinement will and again life. The line is regarded by all as excessive. Let him be pardoned, on condition that all the costs of proscention are jaid, and that he never again violate any of the criminal laws of this State.	Crime. County.	DECISION.—This man was convicted of petit largeny, and sentenced to imprisonanch in the fail of Sistiyon County for Si Nucults, and pay a line of five humbred dedens. The County Judge, District Attorney, Sheriff, and other officials toggether with a large number of citizens, have recommended a parton, on the grounds of his per citizens, have recommended at parton of the per citizens, have recommended at parton of his per citizens, have recommended at parton of his periods of his per citizens, have recommended at parton in the fine hardeny was perpetrated. A purdon will is use to remit the fine, but he must serve out his full term of six months in the prison.
Name. Charles Fernanto.	Decision.—This deadly weapon, (an hundred dollars, in The District Attorn Espectable citizens is poor, and suffericenthement will as exercisive. Let the costs of proseculate any of the crim late any of the crim	Name. John Rebel	Decision.—This man was convict sentenced to imprisonant in the fail six nauths, and pay a fine of five County Judge, District Attorney. She together with a large number of citiz a partien, on the grounds of his previous intoxicated at the fine the large partien will is us to remit the fine, but full term of six months in the prison.
Date. Jan. 20, 1859.		Pate.	

Names of Petitioners known to Gov. W. S. Manlove, D. W. Welty, I. N. Bingay, Jno. Q. Brown, and sixty-six others.						
Date. Name. Crime. County. Sentence. Grounds on which Petition is based. Names of Petitioners known to Gov. March 23, 1859 Robert Lindsay Assault with in-Sacramento. 150 days and That he served four months awaiting his W. S. Manlove, D. W. Welty, I. N. tent to do bod. \$300 fine. trial, previous good character, and his Bingay, Jno. Q. Brown, and sixty-lift harm				Date. Name. Crime. County. Sentence. April 20, 1859 McKinley and wife Petit Larceny. 30 days and Having served out one-half of the term, \$450 line. and being wholly unable to pay the fine.		
Sentence. 150 days and \$300 fine.	of Februa- committed resealth with e by a large county, that onths: that	Sentence.	red dollars	Sentence. 30 days and 3600 fine.	same time, risoned in served out, is remitted.	
County.	d on the 4th llars, or stand llars, or stand eventue is an eventue to m izens of the c some four m that he is un d.	County.	three hund incisco for illi of trial.	County.	were, at the rs, or be im re term was ine, the same	
Crime. Assault with intent to do bodily harm	DECISION.—This man was sentenced on the 4th of Februa- to pay a fine of three hundred dollars, or stand committed rone hundred and fifty days. His erime is an assault with tent to do bodily harm. If is represented to me by a large maker of the most respectable criticans of the county, that lad been confined awaiting trial, some four months; that s previous character was good, and that he is unable to pay e fine. Let the penalty be remitted.	Crime. Illegal voting	tted the fine of Nolan of San Fr t he pay the costs	Crime. Petit Larceny	man and his wife fine of sixty dollar try days. Half th nable to pay the f	
Name. Robert Lindsay	DECISION.—This man was sentenced on the 4th of February, to pay a fine of three bundred dollars, or stand committed for one hundred and fifty days. His crime is an assault with intent of a bodily ham. It is represented to me by a large number of the most respectable citizens of the county, that he had been confined awaiting trial, some four months; that his previous character was good, and that he is unable to pay the fine. Let the penalty be remitted.	Date. Name. Crime. County. Sentence. March 28, 1859 Edw. H. Nolan Illegal voting San Franc'o 3300 fine	Decision.—Remitted the fine of three hundred dollars against Edward H. Nolan of San Francisco for illegal voting, upon condition that he pay the costs of trial.	Name. Crime. County. Sentence. McKinley and wife Petit Larceny. 30 days and 360 tine.	Decision.—This man and his wife were, at the same time, sentenced to pay a fine of sixty dollars, or be imprisoned in the County Jail thirty days. Hall the term was served out, and being wholly unable to pay the fine, the same is remitted.	
Date. March 23, 1859		Date. March 28, 1859		Date. April 20, 1859		

RESTORATIONS TO CITIZENSHIP,

By Governor John B. Weller for the year 1859.

四・国	Davis, and Marin, and thirty other officers and employes at State Prison.	G. H. Harrison, E. Clark, A. W.		G. Simpton, A. W. Taliaferro, and	
Grounds on which Petition is based.		Date. Name. Crime. County. Sentence. That he has faithfully served out his term G. H. Harrison, E. Clark, A. of servitude, and during his confinement Taliaforro, and Jao. Morton.	behaved with good propriety.	Date. Name. Crime. County. Sentence. That he has faithfully served out his term G. Simpton, A. W. Taliaferro, and of sentence, and during his imprison. Juo. Kelly.	ment his conduct was very good.
Sentence.	nce of the riod of his nce be res-	Sentence.	with great spiration of	Sentence.	ers of the simprison-
County.	factory evide he whole pe i of his sente	County.	ucted himself will at the ex ip.	County.	of the officel during his sentence, be
Crime. Manslaughter	DECISION.—Having received satisfactory evidence of the bod conduct of this man during the whole period of his pprisonment, will at the expiration of his sentence be restred to citizenship.	Crime.	DECISION.—This man having conducted himself with great opricty during his imprisonment, will at the expiration of sentence be restored to cirizenship.	Crime.	DECISION.—Upon the certificate of the officers of the ison that this man has behaved well during his imprisonate, be will at the expiration of his sentence, be restored to dizenship.
Date. Date. Crime. County. Sentence. Jan. 20, 1859. A. B. Gilman Manslaughter Solano 3 years	Decision.—Having received satisfactory evidence of the good conduct of this man during the whole period of his imprisonment, will at the expiration of his sentence be restored to citizenship.	Name. E. L. Martin.	DECISION.—This man having conducted himself with great propriety during his imprisonment, will at the expiration of his sentence be restored to citizenship.	Name. Mathew Stakes	DECISION.—Upon the certificate of the officers of the prison that this man has behaved well during his imprison ment, he will at the expiration of his soutence, he restored to cluzenship.
Date. Jan. 20, 1859.		Date. Feb. 10, 1859		Date. Feb. 10, 1859.	

Names of Petitioners known to Gov. John C. Gordon, Joseph Walkup, Lieut. Governor.		Jno. C. Gordon, H. Bristol, Chas. W. Robinson, J. W. Sandford, G. B. Gordon and Jno. Morton.		Juo. C. Gordon, H. Bristol, Chas. W. Robinson, J. W. Sandford, G. B. Gordon, and Juo. Morton.		Jno. C. Gordon, Thos. Kelly, 'H. Bristol.	
d. m of	onment his conduct was very good.	Sentence. Has served out his term of sentence, and Jro. C. Gordon, H. Bristol, Chas. during his imprisonment has behaved W. Robinson, J. W. Sandford, G. B. Gordon and Jno. Morton.	nimsen with great propriety.	County. Sentence. Has served out his term of sentence, and Jno. C. Gordon H. Bristol, Chas. W. during his imprisonment has behaved Robinson, J. W. Sandford, G. B.	nimsell with great propriety.	Date. Date. Crime. County. Sentence. Feb. 28, 1859 Chas. Sandford Grand larceny San Fran'co I year Good behavior during imprisonment.	
Sentence.	ry evidence rpiration of	Sentence	and gained will be re-	Sentence.	ll term, and ison, will be	Sentence.	ring his im-
County.	ced satisfacto will at the ex- p.	County.	d out his term f the prison,	County.	ed out his furers of the pr	County. San Fran'co	wed well du a disposition ce be restore
Crime.	DECISION.—This man having produced satisfactory evidence his good conduct at the prison, will at the expiration of a sentence be restored to citizenship.	Crime.	man having serve all the officers of p.	Crime.	DECISION.—This man having served out his full term, and timed the confidence of all the officers of the prison, will be stored to citizenship.	Crime. Grand larceny	DECISION.—This man having behaved well during his im- isonment, and given evidence of a disposition to reform, ill at the expiration of his sentence be restored to citizen- ilp.
Date. Name. Reb. 10, 1859. T. Alberts	DECISION.—This man having produced satisfactory evidence of his good conduct at the prison, will at the expiration of his sentence be restored to citizenship.	Date. Name. Feb. 28, 1859. Jno. Parker.	DECISION.—This man having served out his term and gained the confidence of all the officers of the prison, will be restored to citizenship.	Date. Name. Feb. 28, 1859. J. H. Phillips	DECISION.—This man having served out his full term, and gained the confidence of all the officers of the prison, will be restored to citizenship.	Name. Chas, Sandford	Decision.—This man having behaved well during his imprisonment, and given evidence of a disposition to reform, will at the expiration of his sentence be restored to citizenship.
Date. Feb. 10, 1859		Date. Feb. 28, 1859.		Date. Feb. 28, 1859		Date. Feb. 28, 1859	

RESTORATIONS TO CITIZENSHIP—Continued.

Names of Petitioners known to Gor. Jno. C. Gordon, Thos. II. Kelly, H. Bristol.		M. C. Blake, E. D. Baker, H. S. Brown.					
Date Name. Crime. County. Sentence. Grounds on which Petition is based. Names of Petitioners known to Gov. April 28, 1859. Jno. Gallagher Manslaughter Placer 3 years Served his torm, and with great propriety. Bristol.				Date. Name. Crime. County. Sentence. June 24, 1859. Adam Michael Manslaughterinador 3 years Good behavior during imprisonment.		Date. Name. Crime. County. Sentence. July 5, 1859 James Barry Grand larceny Santa Clara. 1 year Good behavior during imprisonment.	
Sentence.	ng his im- be restored	Sentence.	be restored	Sentence.	a of Impris- r as to gain prison, will	Sentence.	n term, and
County. Blacer 8	red well duri his sentence	County.	er sentence.	County.	ed out his terr such a manner flicers of the	County.	ed out his fin
Crime. Manslaughter	Decision.—This man having behaved well during his imisonment, will at the expiration of his sentence be restored citizenship.	Crime. Assault with intent to murder	DECISION.—In consideration of her sex, she will be restored citizenship at the expiration of her sentence.	Crime. Manslaughter	DECISION.—This man having served out his term of imprisment, and conducted himself in such a manner as to gain a confidence and respect of the officers of the prison, will a restored to citizenship.	Crime. Grand larceny	DECISION,—This man having served out his full term, and anducted himself well during his imprisonment, will be reported to citizenship.
Date. Name. April 28, 1859. Jno. Gallagher	DECISION.—This man having behaved well during his imprisonment, will at the expiration of his sentence be restored to citizenship.	Date. Name. Crime. County. Sentence.	Decision. In consideration of her sex, she wite citizenship at the expiration of her sentence.	Name. Adam Michael	Decision.—This man having served out his term of imprisonment, and conducted himself in such a manner as to gain the confidence and respect of the officers of the prison, will be restored to citizenship.	Name. James Barry	DECISION.—This man having served out his full term, and conducted himself well during his imprisonment, will be restored to citizenship.
Date. April 28, 1859.		Date.		Date. June 24, 1859.		Date.	

Names of Petitioners known to Gov.							
Grounds on which Petition is based.							
	l term, and will be re-	Sentence.	character h propriety is sentence,	Sentence.	f a disposi- t the expi-	Sentence.	l term, and s evidence enship.
County.	ed out his ful mprisonment,		nined a good g behaved wit xpiration of hi	County.	ent, he will, a citizenship.	County.	d out his fullecty, and give
Crime. Forgery	man having serv well during his i ip.	Crime. Assault with a deadly weapon	DECISION.—This man having sustained a good character evictions to his conviction, and having behaved with propriety nee his imprisonment, will, at the expiration of his sentence, restored to citizenship.	Crime. Gaming	DECISION.—This man having given evidence of a disposi- on to reform during his imprisonment, he will, at the expi- tion of his sentence, be restored to citizenship.	Crime. Grand lareeny	DECISION.—This man having served out his full term, and nducted himself with great propriety, and gives evidence a disposition to reform, will be restored to citizenship.
Datc. Name. Crime. County. Sentence. Nov. 12, 1859. J. W. Theoll Forgery. Yuba 1 year.	DECISION.—This man having served out his full term, and conducted himself well during his imprisonment, will be restored to citizenship.	Name. Crime. County. Nov. 30, 1859. Herman Beecher. Assault with a Placer.	DECISION.—This man having sustained a good character previous to his conviction, and having behaved with propriety since his imprisonment, will, at the expiration of his sentence, be restored to citizenship.	Date. Nome. Crime. County. Sentence.	DECISION.—This man having given evidence of a disposi- tion to reform during his imprisonment, he will, at the expi- ration of his sentence, be restored to citizenship.	Dato. Dec. 15, 1859. Jno. Milton Grand larceny San Franc'ol year	Decision.—This man having served out his full term, and conducted himself with great propriety, and gives evidence of a disposition to reform, will be restored to citizenship.
Date. Nov. 12, 1859.		Date. Nov. 30, 1859.		Date. Nov. 30, 1859.		Date.	

RESTORATIONS TO CITIZENSHIP-Continued.

The state of the s	Grounds on which Petition is based. Names of Petitioners known to constitute the constitution of the const			
	Grounds on which Petition is based.			
	Date. Name. Crime. County. Sentence. Dec. 15, 1859. Seaborn Coffman. Manslaughter. Sun Joaquin 3 years	Decision.—This man has served out his full term, and conducted himself with propriety, and gives evidence of a disposition to reform, will be restored to citizenship.	Date. Date. Name. Crime. County. Sentence. Dec. 24, 1859. Geo. R. Morris Assault with in Nevada 4 years	Decisios.—This man having served out his full term, and during his imprisonment and since given evidence satisfactority of a disposition to reform, he will be restored to citizenship.
	Name.	DECISION.—This n ducted himself with sition to reform, will	Name.	DECISION.—This is during his imprison torily of a disposition zenship.
	Date. Dec. 15, 1859		Date. Dec. 24, 1856	

COMMUTATIONS FROM DEATH TO IMPRISONMENT FOR LIFE,

By Governor John B. Weller.

Names of Petitioners known to Gov. Thomas S. Denson, and a large number of the most respectable citizens of Butte County.	Phillip W. Thomas, District Attorney, Placer County.
Date Name. Crime. County. Sentence. Grounds on which Petition is based. Names of Petitioners known to Gov. Jan. 5, 1859 Juo. Dolan. Murder. Decision.—A large number of the most respectable citi. County Judge, have strongly recommended communation of punishment. The teatinony which has been taken since the conviction, leave great doubts upon my mind, as to the degree of his crime. Indeed a careful paying of the whole case has extente, is only murder in the second degree. His punishment, therefore, will be communed to imprisonment in the State Prison for life.	Date Name. Crime. County. Sentence. Jan. 12, 1859. Martin Rodriguez. Murder Decision.—Judge Howel, before whom the man was conquired by law, and the present District death warrant, as required by law for county. Courts of Justice, action four hundred and sixty-six of the criminal practice action four hundred and sixty-six of the criminal practice action for the prisoner, is disqualitied by the law regular forms of Justice. Jan. 12, 1859. Martin Rodriguez. Murder Decision.—Judge Phillip W. Thomas, District Attortical pairs are new principled by law regular for the prisoner, is disqualitied by the law regular forms of Justice. Judge having feen counsel for the prisoner, is disqualitied by the law regular forms of Justice, execution will be an pended until the 14th of January next.
Name. Crime. County. Sentence. Juo. Dolan. Murder. Decision.—A large number of the most respectable citizens of Butte County, including the Sheriff, ex-Sheriff, and County Judge, have strongly recommended commutation of punishment. The testimony which has been taken since his crime, lave great doubts upon my mind, as to the degree of his crime. Indeed a careful review of the whole case his about to the conclusion that his crime, under the statute, is only murder in the second degree. His punishment, therefore, will be commuted to imprisonment in the State Prison for life.	Date. Name. Crime. County. Sentence. Jan. 12, 1859. Martin Rodriguez. Marder. Placer. Decision.—Judge Howel, before whom the man was convicted having failed to sign the death warrant, as required by section four hundred and skrty-six of the criminal practice act, before going out of office, and the present District, Judge having been counsel for the prisoner, is disquarined by the laws regulating Courts of Justice, execution will be anspended until the 14th of January next.
Crime Murder Murder The complete of the we strongly recomp For testimony which he result which he conclusion that have a marger in the secon and the secon fill be commuted to the community of the community	Murder T. Murder T. Murder T. Ge Howel, before well to ign the death bred and sixty-six of outley and a counsel for the pring Course of Justice. The following Course of Justice.
Name. Juo. Dolan	Martin Rodriguez. Martin Rodriguez. Decision.—Jud victed having faile section four hund act, before goin fudge having beat the faws regulatin pended until the 1
Date. Jan. 5, 1859	Date. Jan. 12, 1859.

COMMUTATIONS—Continued.

Names of Petitioners known to Gov.				
Grounds on which Petition is based.				
Name. Crime. County. Sentence. Henry Wappner. Murder San Franc'o	DECISION.—In this case commutation of punishment is recommended by two hundred and eighteen citizens of San Francisco, and among them a large number of respectable francisco, and among them a large number of respectable found the verdiet, join in the recommendation. This has increated the to receive with nucle care, and I recret that I have failed to find any reason why the Eventive should interfere. The criminal had a fair and inpartial trial, and as no new facts have since been elicited, I cannot change the punishment which the law affixes to the crime, although it is a painful duty. The application must be decired. The Sherriff of San Francisco County in order that it may be communicated to the unfortunate man.	Date. Name. Crime. County. Sentence. Oct. 18, 1859. Pedro Ybarre. Munder, in first Calaveras.	DECISION.—Upon the representation of the County Judge, his friends desire time to perfect an appeal to the Superne Court, execution will be postponed until the fearth day of November next, on which day, in the absence of the ther orders,) between the hours of twelve, at and three, P. M. he will be executed.	
Date. June 15, 1859.		Date. Oct. 18, 1859.		

Names of Petitioners known to Gov			
Grounds on which petition is based.			
Sentence.	punishment rd leaves no urder in the nowever, he nuicipated a paration for e twentieth as hours of	Sentence.	me that one rider issued an applica- cuitzens to comment for rued, has en- ement of the my given at the Governor rectione, will at at which at at which M. he will,
County.	most respect mutation of As the reco its crime is m mute. As, b the priction) a nade no pret nade until th e, between th	County. Sentence.	has reached and, and an of respectable at the imprison he was travely as a control of the testime boott which it dannery ne a carecuted. A and four a safe as a carecuted.
Crime. Murder	DECISION.—A large number of the most respectable ettizens Mariposa have requested a commutation of punishment on death to imprisonment for life. As the record leaves no tional doubt upon my mind that his crime is murder in the sy have from the character of the petition, anticipated a flerent decision, and therefore made no preparation for after the execution will be postponed until the twentieth by of January next, at which time, between the hours of relye, M. and three, P. M. he will be executed.	Crime. Murder	DECISION.—Whereas information has reached me that one cob Elyca is under scntence of death, and an order issued this execution on the 23d inst.; and, whereas, an applicant has been made by a number of respectable etizions to e. the District Judge, before whom he was trued, has energy failed to furnish the Governor with "a statement of the rividion and the judgment, and of the testimony given at erral," as is required by law, without which the Governor much decide the question, now his execution, therefore, will postponed until the thirteenth of January next, at which the absence of further orders, be executed.
Date. Name. Crime. County. Scattence. Dec. 21, 1859. Dennis Mahoncy. Murder	Decision.—A large number of the most respectable citizens of Mariposa have requested a commutation of punishment from death to imprisonment for life. As the record leaves no rational doubt upon my mind that his crime is murder in the first degree. I must refuse to commute. As, however, he may have (from the character of the petition) anticipated a different decision, and therefore made no preparation for death, the execution will be postponed until the twentieth day of January next, at which time, between the hours of twelve, m. and three, r. m. he will be executed.	Date. Name. Crime. County. Seutence. Dec. 21, 1859 Jacob Elyea Murder	Decision.—Whereas information has reached me that one Jacob Elyea is under sentence of death, and an order issued for his execution on the 23d inst.; and, whereas, an application has been made by a number of respectable citizans to commute his punishment from death to imprisonment for life; the District Judge, before whom he was trued, has entirely gailed to finnish the Governor with "a statement of the conviction and the judgment, and of the testimony given at the trial," as is required by haw, without which the Governor entire that," as is required by haw, without which the Governor entire the guestion, now his execution, therefore will be postponed until the thirteenth of January next, at which time, between the hours of twelve M. and four P. M. he will, in the absence of further orders, be executed.
Date. Dec. 21, 1859	_	Date.	

Mr. Dickinson moved for a reconsideration of the vote just taken, by which it was ordered that the message and accompanying documents be transmitted to the Assembly.

Carried.

Mr. Parks offered the following resolution:

Resolved, By the Senate, the Assembly concurring, that five thousand copies of the Governor's Message be printed in English, and one thousand copies in Spanish, for the use of the Senate and Assembly, to be distributed, pro rata, to the members and officers of both Houses.

Mr. Watkins moved to amend, by inserting "four thousand in English

and five hundred in Spanish."

Mr. Kirkpatrick moved to amend the amendment, by inserting, after the words "five hundred in Spanish," the words "one thousand in German."

Pending which, the following message was received from the Board of

Examiners:

Office Board of Examiners, January 7, 1860.

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W. K.

To the Senate of the State of California:

I herewith transmit to your Honorable Body a claim—Lockwood v. The State—which has been passed upon by the Board of Examiners, together with the papers and opinions of the Board in the case.

JOHN B. WELLER,

President Board of Examiners.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Mr. President:—The Assembly, on Saturday, January seventh, passed Assembly Bill, No. 11, An Act to extend the time for the Sheriff of Sacramento City and County to collect the Delinquent Taxes for the year one thousand eight hundred and fifty-nine;

Also, adopted Assembly Concurrent Resolution, No. 6, In relation to the votes cast at the general election of one thousand eight hundred and fifty-nine for, or against, calling a Convention to revise the Constitu-

tion;

Also, Memorial No. 7, to the Congress of the United States, Relative to the Swamp and Overflowed Lands of this State;

Also, Assembly Concurrent Resolution, No. 8, Relative to the County

Clerk of Siskiyou County;

Also, to-day, adopted Assembly Concurrent Resolution, No. 9, Relative to Joint Convention to receive the oath of office of the Governor and Lieutenant-Governor elect.

R. K. WESTON,

Assistant Clerk.

JANUARY 9, 1860.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution, No. 9, Relative to Joint Convention to receive the oath of office of the Governor and Lieutenant-Governor elect, was taken up and concurred in.

Assembly Bill, No. 11, An Act to extend the time for the Sheriff of

Sacramento City and County to collect the Delinquent Taxes for the year one thousand eight hundred and fifty-nine, was read first and second

times and referred to Sacramento Delegation.

Assembly Concurrent Resolution, No. 6, In relation to the votes east at the general election of one thousand eight hundred and fifty-nine, either for or against the calling of a Convention to revise the Constitution, was taken up and concurred in.

The President here announced the committee on the part of the Senate

in accordance with the resolution just read:

Messrs. Anderson, Merritt, and Lansing.
Assembly Concurrent Resolution, No. 8, Relative to the County Clerk of Siskiyou County, was taken up and concurred in.

Mr. Merritt in the Chair.

Assembly Memorial, No. 7, In relation to Swamp and Overflowed Lands of this State, was taken up.

Mr. Edgerton offered the following amendment:

Resolved, By the Senate, the Assembly concurring, that the Governor he requested to forward copies of this memorial to each of our Senators and Representatives in Congress.

The memorial, as amended, was adopted.

The question recurring on the amendment of Mr. Kirkpatrick, to insert after the words "five hundred in Spanish," " one thousand in German," the ayes and noos were demanded by Messrs. Logan, Kirkpatrick, and Redman, and taken, with the following result: Ayes, 16-noes, 12.

Ayes-Messrs, Clark, Edgerton, Franklin, Haynes, Kirkpatrick, Leet, Logan, McDonald, Merritt, Parker, Parks, Quinn, Redman, Ryan, Titus, and Watson-16.

Noes-Messrs. Anderson, Bradley, Ballou, Chase, Crittenden, De la Guerra, Dent, Denver, Eagon, Vance, Watkins, and Wheeler-12.

So the amendment was adopted.

Mr. Watkins moved to lay the motion on the table.

Upon which the ayes and noes were demanded by Messrs. Parks, Kirkpatrick, and Redman, and taken, with the following result: Ayes, 17noes, 13.

Aves-Messrs. Anderson, Bradley, Ballou, Chase, Crittenden, De la Guerra, Dent, Denver, Eagon, Lansing, McDonald, Parker, Peachy, Tius, Vance, Watkins, and Wheeler-17.

Nors-Messrs, Clark, Edgerton, Franklin, Haynes, Kirkpatrick, Leet, Logan, Merritt, Parks, Quinn, Redman, Ryan, and Watson-13.

So the resolution was laid on the table.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, Monday, January 9, 1860.

MR. PRESIDENT :- The Assembly have this day adopted Assembly Concurrent Resolution, No. 10, Relative to granting leave of absence to Judge Creanor;

Also, Assembly Concurrent Resolution, No. 11, Relative to granting leave of absence to Judge McKinstry.

R. K. WESTON,

Assistant Clerk Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution, No. 10, Relative to granting leave of absence to Judge Creanor, was taken up and concurred in.

Assembly Concurrent Resolution, No. 11, Relative to granting leave of absence to Judge McKinstry, was taken up and concurred in.

On motion of Mr. Quinn the Senate took a recess of five minutes.

The Senate re-assembled at the appointed time.

The President in the Chair.

Roll called.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, January 9th, 1860.

Mr. President:—I am directed to inform the Senate that the Assembly are now ready to meet the Senate in convention, for the purpose of joining in the ceremonies of inauguration.

J. M. ANDERSON.

Clerk of Assembly.

On motion of Mr. Merritt, the Senate then proceeded to the Assembly Chamber.

IN JOINT CONVENTION.

The President in the Chair.

Senate roll called.

Assembly roll called.

Mr. Dickinson, chairman of the committee on part of the Senate, appointed to wait on the Governor elect, reported that the committee had conferred with him and he was then approaching the Capitol.

The Sergeant-at-Arms cleared the passages, and the Governor and Lieutenant-Governor elect, with the committee, entered the Assembly Chamber.

The oath of office was then administered to the Governor and Lieu-

tenant-Governor elect, by Chief Justice Field.

By direction of the President, the officers elect and members of the Convention, with the officers of both Houses, repaired to the Agricultural Hall.

The Governor then pronounced his Inaugural Address, upon the conclusion of which the President announced the Convention adjourned, sine die, and the Senate withdrew to its chamber.

INAUGURAL ADDRESS OF M. S. LATHAM.

Gentlemen of the Legislature and Fellow Citizens:

Entering upon the duties of Chief Magistrate of our young State, it is expected of me, in accordance with precedent, to briefly indicate the line of policy by which I will be governed. Nothing but "examples of the most revered authority" induces me to comply with this expectation.

It would be a better custom, upon the termination of an official career, for an officer to point his constituency to his several completed acts, rather than, in the assumption of office, to promise what may not be consummated.

Having a due sense of inability to fully meet public expectation in the discharge of the manifold duties imposed upon me. I should shrink from their responsibility were it not for the confidence that, in their execution, I have no other aim but to merit the generous faith of a free people, who have so honored me, and, at the expiration of two years, leave the blessings of our government unimpaired, if not enhanced; at the same time relying, with certainty, upon my motives, in all public acts, being received by the people with charity and indulgence, and my efforts to promote the good of society being sustained by a prompt and enlightened

co-operation of the other branches of our State Government.

In a new State nothing can be so disastrous to its permanent prosperity as a continual change of her polity. This is strikingly true of California, so varied in her resources, so scattered in her population, and requiring so much caution in framing the general system of her laws. Alterations in her statutes cannot result in anything but continual confusion, while our advancement absolutely demands their stability and permanence. It is better even to suffer, for a time, under poorly-framed laws than to be afflicted with continued transitions into rules and regulations of persons and property purely experimental, which are again to be supplanted by a new order. The large mass of the people in a republic should always be as conversant with general laws as those persons following their study as a profession. One of the principal reasons why our prosperity has been retarded is owing to this spirit of innovation, each Legislature having almost felt it incumbent to undo the acts of its predecessor, thus destroying anything like stability. I sincerely trust that no general law will be interfered with, unless amendments are absolutely imperative, and that you will allow the social and material interests of the State to develop under existing statutes, trusting to tried experience to justify amendments.

In our past history, a morbid desire to experiment has given rise, more than any other one cause, to the debt with which we now find the State burdened, amounting to three million eight hundred and eighty-five thousand dollars. Compared with our resources, this sum may be regarded as small; yet, we look in vain for some evidence justifying its creation, having no public buildings and but one charitable institutionan Insane Asylum-to point to as evidence of its being incurred for the State's benefit. The receipts of government should always be equal to, and-if possible, without oppressive taxation,-greater, than the expenditures. Schemes of public improvements, however desirable they may appear, should never justify a variance from this rule, which should be stern and inflexible. Taking the Tenth Fiscal Year, commencing July 1st, 1858, and ending June 30th, 1859, as an example, the State Controller's books show our receipts to be one million one hundred and eightyfour thousand two hundred and twenty-one dollars and seventy-nine cents, and the expenditures to be one million one hundred and nine thousand one hundred and forty-three dollars and twenty cents, leaving a surplus of seventy-five thousand and seventy-eight dollars and fiftynine cents. The receipts for the year commencing December 16th, 1858, and ending December 15th, 1859, amount to one million one hundred and ninety-five thousand four hundred and forty dollars and seventy-three cents, and the expenditures to one million one hundred and sixty thousand nine hundred and twenty-nine dollars and fourteen cents, leaving a surplus of thirty-four thousand five hundred and eleven dollars and fifty-

nine cents.

Curtailing the expenses of the Legislature in every reasonable manner, by refusing to make appropriations for objects not absolutely just, and by dismissing all employés of government not required, the State receipts would largely overbalance her expenditures. Though taxes are heavy, they will be borne cheerfally by the people, struggling with all the wants incident to the growth of a new State, if they see that the revenue is properly expended by their officers and representatives. In due time we shall require a building for the unfortunate blind—rapidly multiplying in our midst—one for the deaf and dumb; houses of reform for the young in crime, and other institutions belonging to all well ordered and humane governments. But, in all these matters, let our progress be proportioned

to our population, wealth, and ability.

As a starting point, there should be appropriated, during the present session, a small sum to commence at an early period, the erection of a State Capitol, which can be completed in a few years in accordance with fixed architectural plans. The amount so appropriated, if it meets with your approval, should neither increase the taxes, nor exceed the surplus in the treasury after the payment of the State expenses; for your State Capitol once permanently fixed, as it should be, legislation for other public institutions can then be molded in accordance with increasing necessities; the example and experience of our sister States proving and teaching that the public institutions of a State, should, upon the score of economy, if for no other reason, be concentrated, as far as possible, at the seat of government, and the record of our own brief existence showing the separation of even our few public institutions to be attended with unnecessary expenditure to the State, as well as themselves suffering from the want of constant and proper supervision.

Of all the subjects demanding legislation during the present session, no one is of greater importance than the proper disposition of your State prison. The views expressed upon this question by my predecessor, in the main, agree with my own. The lessee system should be ended, and the prison conducted under the control of the State. It is not reasonable to suppose that the hirer of convicts would parsue any other policy than that which will give a moneyed value to his contract. This is at once destructive of the very object of incarceration, to wit: purishment and reform. Experience has proven the impropriety, if not the inhumanity, of leasing the management and care of those condemned to toil and privation, and public opinion is unanimous in demanding a reform in

this important matter.

When the Legislature, however, on the twenty-sixth March, 1856, passed an Act authorizing a lease for five years of the prisoners, it was not singular that this should have then seemed the most feasible plan for the disposition of their rapidly increasing number. A majority of our sister States from the first, compelled prisoners to contribute by their labor to their own support. But a comparison of their number with ours, will show that California was, at an early period, the land of refuge for the most hardened of all countries, and their number was so disproportioned to the means of our government, that the State authorities might then well sanction a system the continuation of which experience has shown to be most ruinous. The high price of all articles of consumption in 1856 might well have led the Legislature of that date to believe that ten thousand dollars a month was not unreasonable for the

care and support of four hundred and seventy-one prisoners, with a pros-

pective increase.

The subsequent decrease in the cost of living, and the manifest bad workings of the plan adopted in 1856, soon attracted public attention, and it became apparent that the State was paying very dear for the service rendered. Upon the twenty-sixth December, 1857, the last warrant for the monthly payment of ten thousand dollars to the lessee was issued, and in February, 1858, the Legislature passed a law authorizing the Governor to take possession of the prison, thus abrogating by enactment its own contract. This was an assumption of power, belonging to the courts only, and however odious or hard the State's engagement, it should have been adhered to by it as one of the contracting parties, until the only proper tribunal under the Constitution, could have passed upon a question purely judicial. From March 1st, 1858, to May 13th, 1859, the State continued in charge of the prison, at which time it was restored, by a decree of the Supreme Court, to the sub-lessee. The sum expended by the State for its maintenance during this time, including the amount adjudged to be paid for the unlawful entry, was one hundred and eleven thousand one hundred and eighty-one dollars and ninety cents. The sub-lessees alleging their ability to comply with the contract of March, 1856, now claim by suit the price therein stipulated, from December 26th, 1857, to the present time, amounting to near two hundred and fifty thousand dollars. To add to the complex nature of this vexed subject, there is also a claim for forty thousand dollars, charged as the value of the personal property of the sub-lessee, seized by the State Government. as State property, upon first of March, 1858. It is clear to my mind that, equitably, the sub-lessees are not entitled to the contract price while the State was at the expense of carrying on this institution; but whether they are legally, it is for the courts to determine. It will be found, by reference to reports and examination, that there is such confusion and mixing up of public and private property, that, were there no other reason, this alone would demonstrate the necessity of ending litigation and contentions alike ruinous to the State and the parties in adverse interest. I earnestly recommend to the Legislature the appointing of a Select Committee to inquire into all these matters, to confer with the sublessees upon a basis of fair and equitable adjustment of all disputes, to report the sum deemed proper and right to be paid by the State; and, acting in a conciliatory spirit, it will at once appropriate such sum as may seem just, and terminate forever this complication in the management of one, the most important, of our public institutions. I am assured that a committee will be met in a proper spirit by those interested in the contract. If, however, all attempts at an amicable settlement fail, then I trust that a law will at once be passed authorizing suit to be brought against the State, in order that the courts may decide speedily all the questions involved. So soon as this is accomplished a law should be passed specifically regulating the management of the prison, providing for an election of Warden and other officers, making them directly answerable to either the Legislature or to the people for the faithful discharge of The solitary confinement of the convicts, except when their duties. laboring—their sanitary regulation, and the division of their large number, by locating a branch prison at some point accessible and endowed with great natural advantages, should follow. The turning of convict labor to their own subsistence—the gradual relief of the State from the burden of their support, is feasible and within the compass of the present representatives of the people. There is no reason why their own

industry should not only be made profitable, by being directed in mechanical pursuits not conflicting with free labor, but even be a source of economy to the State in the preparation of materials and erection of our public buildings.

For the consummation of all these ideas thus generally foreshadowed, I shall hold myself in readiness, at all times, to co-operate with the Legislature, to whose discretion and wisdom their execution must of necessity

be chiefly intrusted.

In connection with this subject, I desire to express my views upon the power of pardoning convicts, as vested in the Executive by the Constitution

During the past eight years, one hundred and sixty-seven convicts have received Executive elemency, being nearly one-eleventh of the entire number imprisoned, independent of escapes, deaths and discharges.

From this statement it would appear that either the Courts have been influenced by passion or unjustifiable haste, or that the power of relieving criminals of the judgment of the law has been unwarrantably exer-Which is the case, it is not my province to even surmise. But I am sure, that the framers of our compact of government never designed that the pardoning power vested in the Executive, was to be used to thwart the judgment of the Courts. The power to pardon is a mere incident to the execution of the law, intended to aid its just operationsnever to set it at defiance. When sentence is once passed, the Courts become powerless; and though subsequently it may appear-during the operation of the punishment-by newly discovered evidence, that the person so convicted is innocent, or new facts may show that the judgment is too severe, no power exists in the Court to remedy the wrong. Then, and then only, does the Constitution design that the Executive shall step in and arrest by his decree the unjust rigor of the law. In this respect, he is but a part of its matured policy, and acts in pursuance of a provision at once necessary and humane. I am aware, that the Governor often finds himself in a very trying position, when he is presented with petitions signed by the officers of the Court and the Jury who tried the criminal, recommending Executive elemency, accompanied as they often are by the tearful prayers and solicitations of distressed and almost heart-broken friends and relatives. These petitions are often signed without reflection, and more to avoid importunities, than from a real belief that the convict should be freed from the penalty of his crime. The responsibility involving, so often, the terrible issue of life or death, is thus easily, and oftentimes thoughtlessly cast upon the Executive.

If our laws were always certain of execution, how seldom would be their infraction. If in our State, as in older political communities, the violation of rights of life, liberty, and property was promptly met by punishment, regardless of persons, how much more seldom would they be set at defiance. Too often powerful friends and improper influences

mock at and avert the enforcement of the penalty incurred.

My duty is to my mind plain under the Constitution, which I, this day, have sworn to obey; and although my sympathies and feelings as an individual may often prompt me to exercise this power and free the criminal from the punishment adjudged, I will not, with my understanding of my duty as an officer of the law, pardon any one unless I am satisfied, from indubitable evidence, that the Court originally rendering the judgment would have done differently if the same facts presented to me had been before it prior to its final action.

The proposed act granting a franchise for the construction of a bulk-

head in the harbor of San Francisco, will doubtless be brought to your consideration. The feasibility, and even necessity of this project, has already been the subject of much Legislative discussion. There is no disguising the fact that, under our popular institutions and the selfish speculating spirit of the day, straight-forward, honest legislation is becoming more and more difficult. It is the duty of those intrusted with law-making, to acknowledge this fact, to accept it as undeniable truth—

then sternly resist and correct it, if possible.

A measure of such magnitude as this bulkhead, originating in a city where capital, and indeed all the forms of power are concentrated, is oftentimes urged from bad motives and with improper means. And between the good faith and honest convictions of some advocates, and the bad faith of others, it is often difficult to determine as to their real merits. On the other hand, caution should also be exercised against prejudices in legislating upon the immediate interests of San Francisco. There is a natural want of sympathy between men living in the country and those who live in cities. But there is no sense in its engendering an unfair or ungenerous spirit in dealing with matters affecting the rights, and the prosperity of all. San Francisco depends upon the growth of the State. She is simply a striking exponent of the material power and intelligence of the country. The citizens of our mountain counties ought to be as proud of her as all Americans are of New York, all Englishmen of London, and all Frenchmen of Paris.

Whether, within some reasonable time, the harbor of San Francisco will require, or whether it now requires, a bulkhead, is a question upon which there are different views. The evidence taken last winter before a Committee of the Legislature, exhibits a strong conflict of opinion, both as to the extent to which the harbor is filling up, and as to the cause—from which it would appear that the necessities of commerce cannot be so urgent as to demand immediate legislation. The fact that the merchants of San Francisco, as a class, are opposed to it, makes this the more conclusive. True, they may be mistaken as to their own interests. But conceding that they are wrong in their opposition to a bulkhead, still they can hardly be wrong as to the fact of their being no immediate necessity for any measure whatever. If the shipping interests of that city were suffering daily, to an extent that demanded legislative action, there would be presented before you a general and constant application for relief. Rival interests would produce, here and there, opposition to even just measures; but that the general mass of the mercantile community would not fairly represent the real wants of their own harbor, seems

In a matter so important to the State, and one involving such a vast outlay of money, a mistake would be attended by the most disastrous consequences, and every precaution should be used to guard against premature and unwise action. I would, therefore, recommend to you, if any action at all on this matter is deemed advisable by the Legislature at present, to appoint, or authorize to be appointed, a board of experienced and disinterested scientific men to settle the primary questions involved in this controversy.

If it should be found, on the report of such a board, that a bulkhead is necessary, then a survey of the harbor should be made, with reference to the currents and other pertinent matters, so as to furnish the best lines for the structure, and determine the best mode of construction. This survey would require much scientific knowledge and much experience,

and should be made by men of undoubted ability and integrity.

When these indispensable preliminaries shall have been satisfactorily concluded, the Legislature will then—and not before—have to determine by whom the bulkhead shall be built—whether by individuals, by a com-

pany, or by the City of San Francisco.

I am free to say that, at present, I regard as questionable, the propriety of giving to any one company the right to construct a bulkhead, or to protect in any other way an entire city front. It might create a mammoth monopoly, with immense power to interfere with and control the local, if not the general policy of the State—and that, too, in spite of any restrictions that could be imposed. The same objection applies to authorizing the city corporation to do the work, as it might create an ever-flowing fountain of political corruption, and ultimate bankruptcy.

But these are questions which can be better determined at a future time, when we have more information and reliable data to act upon, and, for the present, it does seem most clear, that it would be premature for this Legislature to take any decisive action, until surveys demonstrate the primary cause and the remedial necessities beyond all question.

Upon the twenty-eighth of April, 1857, an act was passed to provide for the payment of equitable claims against the State, and to contract a Funded Debt for that purpose. The first section of this law limits these claims to the sum of three millions nine hundred thousand dollars, and the twelfth section requires all claims to be presented prior to January 1st, 1859, or to be excluded from the provisions of the law. Under the eighth article of the Constitution, this debt was submitted to the people for their ratification, at the general election in the fall of 1857. The people, by a decisive vote, recognized the debt as legitimate, but when the claims were duly presented, it was found that three million nine hundred thousand dollars did not cover the claims entitled to be funded as set forth in the eleventh section of said law. The same arguments and reasons which demanded the passage of the original, apply to the passage of another law, to be submitted to the people, to ratify this excess, supposed to be one hundred and sixty three thousand seven hundred and eighty-four dollars and twenty-six cents. I am confident that the people will not refuse to pay this surplus as if included in the original law of April 28th, 1857.

Nothing can so injure us abroad, or demoralize public feeling at home, as even a hesitation to meet our State liabilities, justly incurred. The State can do nothing so base as to repudiate its public faith, causing loss to those who acted upon its credit. Every good citizen will regard our State's honor as his own, and protect it, not only as precious, but as sacred. The rights of our own inhabitants cannot be deemed inviolable, if the State renounces the principles that constitute alone their security. If, as a political community, we become odious in the opinion of strangers, we would soon feel dishonored in our own. The subject, therefore, imperatively demands prompt attention, which I doubt not it will receive.

All attempts to introduce into our Legislative Halls, discussions upon national political topics, should be frowned upon and discouraged. It is right that the Representatives of the people in our State Legislature, should, when a necessity arises, instruct our exponents in the National Congress upon matters directly affecting their constituency, but only when they are presumed to be ignorant of the opinion of the people, upon matters relating to the State's good. We have abundant subjects for investigation, without expending the tax-payers' money in the consideration of political dogmas, which have but little, if any, application to us as a community, and which, in the main, are marked only by their abstraction.

There is, however, one subject, notwithstanding it belongs to Congress, which, I trust, will receive unmistakable action from not only the Legislature, but, so far as is possible, the entire people of the State: I refer to the overland mail. The Government of the United States is now paying for our mail facilities, one million one hundred and forty-one thousand dollars per annum. If our people, by petition, and their Representatives, by a positive expression of opinion, would demand of Congress a daily overland mail, to the exclusion of all other contracts, I am satisfied, on the score of economy and benefit to us as a State, that such an expression would not be unheeded. If, instead of the four different mail routes now in operation and paid for by the government, a contract should be made for a daily overland mail, the route to be selected by the contractors, as their own interest would dictate, the greatest possible good would That route most accessible at all seasons of the year, and enure to us. possessing most advantages would be selected. The passage of the United States Mail daily over any route, would make it the common highway for all those seeking a home with their families and property on the Pacific slope. This would be so, not only from a sense of security and protection by the General Government, by the daily passage of the United States Mail, but because all along its course would soon spring up villages, towns, and settlements, of a hardy class, who would, in themselves, constitute an ever-present power, to intimidate aggressions and punish outrages.

Such a highway would soon relieve our State of the greatest blight to

her prosperity, the want of a large permanent population.

And above this immediate present benefit, it would—sooner than all other efforts now used combined—bring about the much longed-for consummation of one of the greatest material ideas of our century—the building of the great Atlantic and Pacific Railway.

Action by the People and Legislature might not be met at once by a response from Congress, on account of existing contracts; but it will

surely pave the way for its completion upon their termination.

It is well known that our State, though young in years, has been the scene of lawlessness without a parallel in the history of our sister republies. It is not my purpose, by any act of mine, to foster the angry passions which are the legitimate result of such past unreasonable combinations. He who is an enemy to the law, is an enemy to all civil or religious liberty. The isolated acts of such ebulitions of popular frenzy are not the subjects of so much regret, as the terrible consequences upon the heart of society itself. The laws when not executed, soon sink into contempt with the mass of the people, and the seeds of anarchy are sown broadcast in the popular mind, to bear bloody fruit, when least anticipated. If the people of our State are to acknowledge no power but physical force, no obedience but personal fear, then indeed is our system of government a mockery and a curse. Our whole theory of political association rests upon the respect in each citizen's heart, for the majesty of the law, not alone its written mandate, but upon an unwritten sentiment of the necessity of its observance, without which the objects of our political union would be indeed poorly subserved. Whatever power the Constitution and the Laws vest in me, shall be wielded to maintain the dignity and enforce the execution of Legislative decrees; and I confidently rely upon correct public sentiment, to aid me in this firm resolve.

Another evil, incident to our republican form of government, is a tendency to concentrate in the hands of the Executive, patronage and power. As the wants of the country increase with her wealth and popu-

lation, and new offices are created, found necessary to carry out the laws, a disposition has increased in our State, to vest the power of filling them with the Executive. This should be promptly checked. Its consequences may be of the worst possible nature, by vesting your Executive with more power and authority than was designed by the framers

of the Constitution, or is compatible with the public weal.

As far as possible all officers should be elective, in order that the public voice may be heard in the selection of those most fit to be intrusted with public duty. The conferring of patronage upon the Executive, while it imposes an unpleasant duty, can never give as great a security to the public, that the proper person will be selected, and the duties belonging thereto as faithfully discharged, as when the accountability is direct to the people. Each department of your government, should be vested with the selection of all officers incident to a faithful discharge of its own duties. But beyond this, the power should rest with the governed, as far as is possible, to select their own representatives for official duty. I shall ever be found ready to apply these sentiments to present or future laws.

I shall, upon future occasions, gentlemen of the Legislature, avail myself of the privilege of the Constitution, in the recommendation of any measure which I may deem worthy of attention. The more simple we can render the operation of our government, the better will it subserve the purposes of its creation. The great Ruler of the Universe has bestowed upon us blessings which enable us to institute a favorable comparison with the most prosperous and gifted of our sister States. In mineral wealth we are without an equal; and our rapid stride in commerce and agriculture will soon render us the peer of the most prosperous communities. Our alluvial soil, our matchless climate, our auriferous products, should fill our hearts with gratitude to God, that he has cast our lot in a land so blessed.

Let it be our aim to make our State, morally and intellectually, co-equal

with her physical endowments.

The wonderful and almost romantic book of California's history lies beneath our hands, and we, of all our fellow-citizens are privileged to write our names and deeds therein. Let the fair, pure page that lies before us, white and open, in the future be marred by no unseemly blot or erasure; and may the record of our convictions, in even the manner and form of their expression, be such as the honest man may scan with pleasure, and the ardent well-wisher of his State find nothing to regret.

IN SENATE.

President in the Chair.

Roll called.

On motion of Mr. Merritt, a committee of three was appointed to wait upon the Lieutenant-Governor elect and conduct him to the Chair.

The President appointed as such committee, Messrs. Merritt, Ander-

son, and Dickinson.

The President having retired, Lieutenant-Governor Downey took the Chair and addressed the Senate as follows:

Senators:—It is with no ordinary feelings of embarrassment that I attempt to address you on this occasion, as I am aware that the present Senate is composed of the selected talent of this State. Indeed, since our organization as a member of the Confederacy the Senate of California has been justly celebrated for its ability and wisdom.

The range of thought to which my profession and pursuits have led me has been of a different character than that to which I am now called by the people of the State to put in practice. I therefore look to your kind indulgence and beg your generous co-operation in my humble endeavors

to discharge the duties imposed upon me.

While I highly esteem the position to which I have been elevated by a noble and generous constituency, I am fully sensible of my own defects. My constant care and honest endeavors shall, however, be to discharge my duties faithfully and impartially, knowing no member of this body with undue favor because of his political creed or personal relations to myself, my object shall ever be to expedite business, and use every effort to serve our common constituents.

Allow me, Senators, to thank, through you, the people of this State for having conferred on me this distinguished honor, and I hope I may be pardoned if I make use of the present occasion to thank, in a particular manner, my political friends to whom I am indebted for the position I now occupy. I trust that neither they, nor those with whom we differ in political sentiments, will have cause to complain of my official acts.

As this is the only occasion, except by privilege or courtesy, that I will be entitled to be heard during the session, save on questions of order, you will pardon me if I entreat you to go to work promptly and energetically. It is due the majority so largely represented here that the Senate should do its part toward having a short session, enable the counties and cities of the State, by wholesome legislation, to curtail their expenditures, inspire the people with confidence that we intend to diminish taxation. These considerations are of greater importance than unnecessary contention for parliamentary technicalities.

Let me again express my thanks to you, and, through you, to our constituents, for having conferred on me this honor. I trust that no action of mine will ever cause them to regret the generous confidence in me

reposed.

I assure you, if I be found wanting in these promises, it will not be from lack of a sincere desire to do right, but, I hope may be attributed to those imperfections to which we are ever liable.

Mr. Dickinson offered the following resolution:

Resolved, That the thanks of the Senate be, and they are hereby, tendered to Lieutenant-Governor Walkup for the able and impartial manner in which he has discharged the duties of President of the Senate during his recent term of office.

Unanimously adopted. On motion of Mr. Merritt, the Senate adjourned. Approved.

JOHN G. DOWNEY, President.

Attest: DAVID J. WILLIAMSON,

Assistant Secretary.

IN SENATE.

SENATE CHAMBER, Tuesday, January 10, 1860.

Senate met pursuant to adjournment.
President in the Chair.
Roll called.
Journal of vesterday read and approved.

MESSAGES FROM THE GOVERNOR.

The following message was received from the Governor:

Executive Department, Sacramento, January 10, 1860.

To the Honorable the Senate of California:

I have this day appointed George Wallace Private Secretary to the Governor. All communications from this department will be presented to your Honorable Body through him.

MILTON S. LATHAM,
Governor of California.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, Sacramento, January 10, 1860.

To the Honorable the Senate of California:

I hereby nominate and appoint Johnson Price Secretary of State, and ask the concurrence of the Senate therein.

MILTON S. LATHAM, Governor of California.

. . .

On motion of Mr. Dent, the Senate resolved itself into Executive Session, for the purpose of acting upon the appointment of Johnson Price as Secretary of State.

The roll being called, Mr. Price received all the votes cast. Ayes, 25

-noes, none.

AYES.—Messrs. Anderson, Ballou, Clark, Chase, Crittenden, De la Guerra, Dent, Denver, Dickinson, Franklin, Haynes, Leet, Logan, McDonald, O'Farrell, Parker, Parks, Peachy, Phelps, Quinn, Redman, Sharp, Titus, Vance, and Watkins—25.

NoEs .- None.

So the nomination and appointment of Johnson Price was unanimously confirmed.

REPORT.

Mr. McDonald, of the Sacramento Delegation, made the following report:

Mr. President:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 11, entitled An Act to extend the time for the Sheriff

of Sacramento City and County to collect the Delinquent Taxes for the year one thousand eight hundred and fifty-nine, have had the same under consideration, and report it back with the recommendation that it pass.

McDONALD, CLARK,

For the Delegation.

Accepted.

Assembly Bill, No. 11, An Act to extend the time for the Sheriff of Sacramento City and County to collect the Delinquent Taxes for the year one thousand eight hundred and fifty-nine, was taken up, rules suspended, read a third time, and passed.

Mr. Dickinson offered the following resolution:

Resolved, By the Senate, the Assembly concurring, that four thousand copies of the Inaugural Address of the Governor be ordered printed, in connection with the Annual Message of John B. Weller, for the use of both Houses.

Laid on the table.

NOTICE OF BILL.

Mr. Redman gave notice that he would, on to-morrow, introduce a bill for An Act to authorize the Administrator of the estate of Samuel J. Crosby, deceased, to sell real estate at private sale.

INTRODUCTION OF BILL.

Mr. Sharp, by leave, introduced a bill for An Act to authorize the compromise, liquidation, and payment to Fletcher M. Haight, for legal services.

Read first and second times and referred to the Senators from the Fifth Senatorial District.

President, pro tem, in the Chair.

REPORT.

Mr. Ballou, Chairman of Committee on Mileage, made the following report:

Mr. President:—The Special Committee on Mileage report two hundred and twenty dollars due Lieutenant-Governor Downey, as mileage upon eleven hundred miles travel.

BALLOU,

For Committee.

Adopted.

Mr. Anderson offered the following resolution:

Resolved, By the Senate, the Assembly concurring, that a committee of three from each House be appointed to report upon the number of copies of the Governor's Annual Message, and to select such of the accompanying documents and reports as should be printed in connection with the said Message, and also the number of copies of the Inaugural Address proper to be printed.

Adopted.

The Chair appointed, as such committee, Messrs. Anderson, Dent, and Ryan.

On motion of Mr. Anderson the Senate adjourned. Approved.

JOHN G. DOWNEY,

President of Senate.

M.

M --

Attest: J. R. BEARD, Secretary of Senate.

IN SENATE.

SENATE CHAMBER, Wednesday, January 11, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Minutes of yesterday read and approved. Mr. Dent offered the following resolution:

Resolved, By the Senate, the Assembly concurring, that the two Houses meet in Joint Convention this the eleventh day of January, A. D. one thousand eight hundred and sixty, at two o'clock, P. M., for the purpose of electing an United States Senator to fill the vacancy caused by the death of the late Hon. D. C. Broderick.

Mr. Parker moved to strike out "eleventh of January, one thousand eight hundred and sixty," and insert "eighth of January, one thousand eight hundred and sixty-one."

The amendment of Mr. Parker is not in order; if adopted it would

make the action of this Legislature void.

The President decided the point of order well taken.

The resolution was then adopted.

INTRODUCTION OF BILL.

Mr. Titus, by leave, introduced a bill for An Act appropriating money for the pay of Copying done for the Legislature.

Read first and second times, and, on motion of Mr. Merritt, was referred

to Committee on Finance.

Mr. Phelps offered the following resolution:

Resolved, That the Attorney-General be requested to communicate to the Senate, at his earliest convenience, the present condition of the suit of "The People of the State of California v. The Pacific Express Company," brought to recover one hundred and twenty-four thousand dollars, said to have been paid said Company to meet the July interest of one thousand eight hundred and fifty-seven, then to become due, in the city of New York, on the bonds of this State;

Also, what court the said suit is now pending in, and the reason of so

great delay in bringing the same to a final termination;

Also, if there is any prospect of said sum of money, or any part thereof, being recovered, and, if so, when;

Also, if any legislation is necessary to enable him to successfully conduct said suit.

Mr. Redman moved to lay the resolution on the table.

The question recurring on the resolution it was adopted.

STANDING COMMITTEES OF THE SENATE FOR THE ELEVENTH SESSION.

The Chair announced the following Standing Committees:

ON CLAIMS.

Messrs. Watkins, Bradley, McDonald, Haynes, and Eagon.

ON FINANCE.

Messrs. De la Guerra, Peachy, Eagon, Clark, and Ryan.

ON JUDICIARY.

Messrs. Merritt, Anderson, Sharp, Wheeler, Peachy, Edgerton, and Redman.

ON ELECTIONS.

Messrs. Denver, Phelps, Parks, Pico, and Franklin.

ON PUBLIC LANDS.

Messrs. O'Farrell, Ballou, Watson, Parks, and Chase.

ON COMMERCE AND NAVIGATION.

Messrs. Peachy, Bradley, Merritt, Ryan, and Watkins.

ON FEDERAL RELATIONS.

Messrs. Watson, Crittenden, Kirkpatrick, Titus, and Sharp.

ON STATE HOSPITALS.

Messrs. Titus, Vance, Franklin, Lansing, and Crittenden.

ON MINES AND MINING INTERESTS.

Messrs. Bradley, Quinn, Chase, Wheeler, Crittenden, Haynes, and Logan.

ON STATE PRISON AND PUBLIC BUILDINGS.

Messrs. McDonald, Parker, Leet, Dela Guerra, Dent, Ryan, and Vance.

ON EDUCATION.

Messrs. Redman, Kirkpatrick, Wheeler, Phelps, and Clark.

ON STATE LIBRARY.

Messrs. Parker, Parks, and Leet.

ON MILEAGE.

Messrs. Ballou, Parker, and De la Guerra.

ON COUNTIES AND COUNTY BOUNDARIES.

Messrs. Crittenden, Parks, Bradley, Titus, and Ryan.

ON CORPORATIONS.

Messrs. Quinn, Anderson, Dickinson, Eagon, and Franklin.

ON AGRICULTURE.

Messrs. Parks, Watson, Vance, Phelps, and Logan.

ON PUBLIC PRINTING.

Messrs. Anderson, Wheeler, Chase, Franklin, and Clark.

ON ROADS AND HIGHWAYS.

Messrs. Phelps, Leet, and Ryan.

ON CONTINGENT EXPENSES.

Messrs. Lansing, Ballou, Sharp, Quinn, and Merritt.

ON MILITARY AFFAIRS.

Messrs. Pico, Bradley, Quinn, Leet, and Haynes.

ON PUBLIC EXPENDITURES.

Messrs. Sharp, Dickinson, Titus, Kirkpatrick, and Watson.

ON PUBLIC MORALS.

Messrs. Parks, Parker, Vance, Wheeler, and Franklin.

ON ENGROSSED BILLS.

Messrs. Dent, Bradley, Titus, Lansing, Phelps, and Logan.

ON ENROLLED BILLS.

Messrs. Denver, Edgerton, Crittenden, Parks, Vance, and Chase.

ON INTERNAL IMPROVEMENTS.

Messrs. Wheeler, Quinn, Clark, Sharp, and O'Farrell.

ON SWAMP AND OVERFLOWED LANDS.

Messrs. Edgerton, McDonald, Dent, Redman, and Watson.

ON MANUFACTURES.

Messrs. Leet, Lansing, Ryan, Franklin, and Parker.

Mr. Dickinson asked to be excused from serving on the Committee on Claims.

Mr. Watkins objected.

On motion of Mr. Watson, Mr. Dickinson was excused from serving on said committee.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Mr. President:--The Assembly on yesterday concurred in Senate amendments to Memorial, No. 7, to the Congress of the United States, in relation to the Swamp and Overflowed Lands of this State;

Also, adopted Assembly Concurrent Resolution, No. 14, Relative to Joint Committee on the translation of the Laws, and have appointed, on the part of the House, Messrs. Covarrubias, Malarin, and Schmidt;

Also, adopted Assembly Concurrent Resolution, No. 13, Relative to the establishment of a Semi-Weekly Mail from San Juan to Los Angeles;

Also, concurred in Senate Concurrent Resolution, No. 11, Relative to leave of absence to Hon. Charles Fernald;

Also, Senate Concurrent Resolution, No. 8, Relative to Survey of east-

ern boundary line of California;

Also, Senate Concurrent Resolution, No. 13, Relative to appointment of Joint Committee, to take into consideration the printing of the Governor's Message, and have appointed, on the part of the House, Messrs. Fairchild, Laspeyre, and Wescott.

R. K. WESTON,

Assistant Clerk.

ASSEMBLY CHAMBER, January 11, 1860.

Assembly Concurrent Resolution, No. 14, Relative to Joint Committee on the translation of the Laws, was taken up and concurred in.

Assembly Concurrent Resolution, No. 13, Relative to the establishment of a Semi-Weekly Mail from San Juan to Los Angeles.

Mr. De la Guerra offered the following resolution as an amendment :

Resolved, That the Governor be requested to furnish a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Carried.

The resolution, as amended, was then adopted.

INTRODUCTION OF BILL.

Mr. Sharp, by leave introduced a bill for An Act to afford protection to Immigrants to California.

Read first and second times and referred to Committee on Commerce

and Navigation.

Mr. Phelps, by leave, introduced a bill for An Act to amend an act entitled "An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State," approved April twenty-first, one thousand eight hundred and fifty-eight.

Read first and second times and referred to Committee on Swamp and

Overflowed Lands.

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The President here announced the following gentlemen as committee on the part of the Senate, in conformity with Assembly Concurrent Resolution, No. 14, Relative to the translation of the Laws, consisting of Messrs. De la Guerra, O'Farrell, and Watkins.

Mr. Merritt in the Chair.

Mr Dent, by leave, introduced a bill for an act to appropriate money for the payment of certain claims.

Read first and second times and referred to Committee on Claims.

Mr. Anderson, pursuant to notice, introduced a bill for An Act extending the privileges of the Homestead Law to certain persons, and to regulate the creation of the same.

Read first and second times and referred to the Judiciary Committee. Mr. Redman, pursuant to notice, introduced a bill for An Act to authorize the Administrator of the estate of Samuel J. Crosby, deceased, to sell and convey real estate.

Taken up and read first and second times and referred to the Judiciary

Committee.

Mr. Bradley, by leave, introduced a bill for An Act for the relief of A. R. Melony.

Mr. McDonald moved to refer the bill to the Committee on Claims.

Lost

On motion of Mr. Bradley, the bill was referred to the Judiciary Committee.

The President announced the following appointments:

PORTERS.

William Crudden, of San Francisco, and James A. Mayer, of Yuba.

PAGES.

Masters Hugh Mauldon and Charles Newell.

Mr. Peachy introduced the following resolution:

Resolved, That Jacob Steinman be, and he is hereby, appointed an additional Porter, at the same pay as the regular Porters, and that the same be paid out of the Contingent Fund of the Senate.

The resolution was adopted.

Mr. Peachy presented a memorial from James Haworth, A. G. Richardson, D. Brigham, Jr., Charles C. Bowman, and S. Heydenfeldt, asking to be released from a certain bond signed by them in favor of the State of California, jointly with the Pacific Express Company, which the Secretary proceeded to read.

On motion of Mr. Merritt, the reading was dispensed with and memo-

rial referred to the Judiciary Committee.

On motion of Mr. Sharp, the Senate took a recess until one o'clock.

The Senate re-assembled at the appointed hour.

The President in the Chair.

Roll called.

Quorum present.

COMMUNICATION FROM SUPERINTENDENT OF PUBLIC INSTRUCTION.

The following communication was received from the Superintendent of Public Instruction:

DEPARTMENT OF INSTRUCTION,) January 11th, 1860.

To Hon. J. G. DOWNEY,

President of the Senate:

SIR :- I have the honor to submit herewith the Annual Report, with accompanying documents, of the Superintendent of Public Instruction. Very respectfully

ANDREW J. MOULDER,

Sup't Public Instruction.

On motion of Mr. Anderson, the report and documents were referred to the Committee on Printing.

The Chair announced the name of Mr. Eagon, to fill the vacancy in the

Committee of Claims.

President, pro tem. in the Chair.

Mr. Wheeler offered the following resolution:

Resolved, That the Judiciary Committee are hereby allowed to procure a suitable room for the meeting of said committee, the rent of same to be paid out of the Contingent Fund of the Senate, upon the approval of the chairman of said Committee.

The resolution was adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, January 11, 1860.

MR. PRESIDENT :- The Assembly on yesterday adopted Assembly Concurrent Resolution, No. 12, Relative to employment of Fireman;

Also, have concurred in Senate Concurrent Resolution, No. 14, Rela-

tive to a Joint Convention;

Also, passed Senate Bill, No. 2, An Act relating to the Thirteenth Judicial District, and to define the time of holding the Courts in said District.

R. K. WESTON,

Assistant Clerk of Assembly.

Assembly Concurrent Resolution, No. 12, Relative to employment of a

Eireman, was taken up and concurred in.

On motion of Mr. Titus, Senate Bill, No. 5, An Act to authorize the establishment of County Infirmaries for the relief of the Indigent, and to amend an act entitled "An Act to provide for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five, was taken from the table and referred to Committee on State Hospitals.

On motion of Mr. Titus, the papers and documents received from Board of Examiners, in the case of "Lockwood v. the State," were referred to

the Committee on Claims.

On motion of Mr. Merritt, the Senate took a recess of five minutes. Senate re-assembled at the appointed time.

President pro tem. in the Chair.

Roll called.

Quorum present.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, January 11th, 1860.

MR. PRESIDENT :- I am directed to inform the Senate that the Assembly is ready to meet the Senate in Joint Convention, for the purpose of electing a United States Senator to fill the vacancy occasioned by the death of Hon. D. C. Broderick.

J. M. ANDERSON.

Clerk of Assembly.

On motion of Mr. Dickinson, the Senate proceeded to the Assembly Chamber in accordance with the above resolution.

IN JOINT CONVENTION.

Roll called.

The following members were present:

SENATE.—Messrs. Anderson, Bradley, Ballou, Clark, Chase, Crittenden, De la Guerra, Dent, Denver, Dickinson, Eagon, Edgerton, Franklin, Haynes, Kirkpatrick, Lansing, Leet, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico. Quinn, Redman, Ryan, Sharp, Titus, Vance, Watkins, Watson, and Wheeler.

Assembly.—Messrs. Babcock, Bailey of Santa Clara, Bailey of Tuol-

umne, Beach, Bell, Bowman, Burson, Campbell, Conn, Conness, Coombs, Covarrubias, Crowell, Curtis, Daggett, Danlap, Ellis, Fairchild, Gallagher, Goodman, Groom, Gwinn, Haliday, Halstead, Hammond, Harville, Hawley, Haves, Henry, Heston, Howe, Hugg, Hundley, Jenkins, Johnson of Amador, Johnson of Sierra, King, Kungle, Lamar, Lambert, Laspeyre, Lawrence, Lewis, Lovel, Makins, Malarin, Maxson, McDermit, O'Connor, O'Rear, Pate, Patten, Phelps, Rogers of San Francisco, Rodgers of Tuolumne, Sawyer, Schmidt, Shannon, Shattuck, Shelton, Smith of Nevada, Smith of Sutter, Starr, Stevenson, Stone, Swan, Theller, Tilton, Walden, Watson, Welty, Wescott, White, Wilkins, Williams, Wilson, Yager, Yancey, and Mr. Speaker.

ABSENT-Mr. Warner, of the Assembly.

ELECTION OF UNITED STATES SENATOR.

The Convention being organized the President declared nominations for an United States Senator to fill the vacancy caused by the death of Hon. David C. Broderick to be in order.

The Secretary read Senate Concurrent Resolution, Relative to the meeting of both Houses in Joint Convention for the election of an United

States Senator.

Nominations being in order, Mr. Welty, of the Assembly, nominated Milton S. Latham.

Mr. Conness, nominated Edmund Randolph.

Mr. Parker nominated O. L. Shafter.

On motion of Mr. Henry, two Tellers were appointed.

The President, on the part of the Senate, appointed Mr. Lansing, and the Speaker, on the part of the House, appointed Mr. Lamar.

The roll was called, with the following result:

Those who voted for Milton S. Latham were-

Anderson	1
Bradley	1
Crittenden	î
De la Guerra	î
	1
Dent	_
Denver	1
Dickinson	1
Eagon	1
Franklin	1
Haynes	1
Kirkpatrick	1
Lansing	1
Leet	1
Logan	î
McDonald	î
	1
Merritt	î
O'Farrell	1
Parks	_
Peachy	1
Pico	1
Quinn	1
Redman	1
Ryan	1
Sharp	1
Titus	1
Vance	1
Watkins	î
Watson	î
Babcock	1
Pailor of Conta Class	1
Bailey, of Santa Clara	1
Bailey, of Tuolumne	_
Beach	1
Bell	1
Bowman	1
Burson	1
Campbell	1
Conn.	1
Covarrubias	1
Crowell	1
Curtis	ī
Daggett	î
Dunlap	ī
Ellis	1
	1
Fairchild	_
Gallagher	1
Goodman	1
Groom	1
Gwinn	1
Haliday	1

Hammond	1
Harville	1
Hawley	1
Hayes	1
Henry	1
Heston	1
Howe	1
Hugg	1
Hundley	1
Jenkins	1
Johnson, of Amador	1
Johnson, of Sierra	1
King	1
Kungle	1
Lamar	1
Lambert	1
Laspeyre	1
Lawrence	1
Lewis	1
Lovel	1
Makins	1
Malarin	1
McDermit	1
O'Rear	1
Pate	1
Patten	1
Rogers, of San Francisco	1
Rodgers, of Tuolumne	1
Sawyer	1
Schmidt	1
Shelton	1
Smith, of Nevada	1
Smith, of Sutter	1
Stevenson	1
Stone	1
Theller	1
Tilton	1
Walden	1
Watson	1
Welty	1
Wescott	1
White	1
Wilkins	1
Williams	1
Wilson	1
Yager	1
Yancey	1
Mr. Speaker	1
Total	97

Those who voted for Edmund Randolph were-

Ballou	1
llark	1
Chase	î
dgerton	î
Wheeler	î
Conness	î
Coombs	î
Ialsted	1
Iarson	1
	1
Connor	1
hannon	1
hattuck	1
tarr	1
wan	1
Total	14
Those who voted for O. L. Shafter were—	

Phelps Parker	1
Tilton Total	

The object for which the Joint Convention assembled having been accomplished, the President announced the Convention adjourned sine die, and the Senate proceeded to its chamber.

IN SENATE.

President pro tem. in the Chair.

Roll called.

Quorum present.

On motion of Mr. Merritt, the Senate adjourned.

Approved.

I. N. QUINN,

President, pro tem. of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Thursday, January 12, 1860.

Senate met pursuant to adjournment. President pro tem. in the Chair.

Roll called.

Absent-Mr. Edgerton.

Journal of yesterday read and approved.

Mr. McDonald asked and obtained leave of absence for Mr. Clark for one day.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, Sacramento, January 12, 1860.

To the Honorable the Senate of California:

The last Legislature passed an act authorizing the people of the six southern counties of the State to vote upon the question of a separation

from the balance of the State.

In compliance with that act, I have transmitted to the President of the United States a certified copy thereof, a statement of the vote, and also a paper embodying my views upon the question. As the people of the State are deeply interested in any action Congress may take in this matter, and as I may soon be required, as a Senator, to urge or oppose the formation of a new government for these counties, I think it proper to send herewith a copy of the paper referred to.

MILTON S. LATHAM, Governor of California.

COMMUNICATION OF GOVERNOR LATHAM.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, January 12th, 1860.

To His Excellency,

JAMES BUCHANAN,

President of the United States:

Sir:—The Legislature of the State of California, at its last session, passed an act, consenting that a certain portion of the territory of the State, including the counties of San Luis Obispo, San Bernardino, Los Angeles, San Diego, Santa Barbara, and a part of Buena Vista, be segregated from the remaining portion of the State, for the formation, by Congress, with the concurrent action of said portion, of a territorial or other government. This question of segregation was to be submitted to a vote of the people of the six counties named, and, if carried by a two-third vote, the Governor is required to transmit the result, with a copy of the act, to the President, for the action of Congress. The people of these counties gave a two-third vote in fayor of separation, and my duty might be technically discharged by simply presenting the result; but, as the proposition embraced in this act of the Legislature of California, is believed to be comparatively new, and involves very grave considerations, both State and National, I deem it not inappropriate to submit some general views upon the subject:

The origin of this act is to be found in the dissatisfaction of the mass fo people, in the southern counties of this State, with the expenses of a State Government. They are an agricultural people, thinly scattered over a large extent of country. They complain that the taxes upon their land and cattle are ruinous—entirely disproportioned to the taxes collected in the mining region; that the policy of the State, hitherto, having been to exempt mining claims from taxation, and the mining population being migratory in its character, and hence contributing but little to the

State revenue in proportion to their population, they are unjustly burdened; and that there is no remedy, save in a separation from the other portion of the State. In short, that the union of southern and northern California is unnatural.

It s well known that at the time of the formation of our State Constitution, the people of Southern California preferred a territorial to a State form of government. But, yielding their preferences, they made common cause with their bretheren of the north, in the adoption of our present constitution, though from that time forward they seem to have regretted the step.

As to the sentiment of the people of the State at large, upon this separation, I have no doubt it is very largely against it. If this be so, it renders useless any remarks upon the *policy* of the measure. The people are the proper judges upon this point, and if they are opposed, the measure must

be deemed, for the present, at least, impolitic.

The legal and constitutional aspect of the measure is, however, of the

first importance.

It presents, in a peculiar and radical form, the power of Congress in admitting new States into the Union. The question is: Can a portion of the State go backwards and be remitted to a territorial condition? If so, it may be within the power of the several State Legislatures and Congress, to dissolve the Union. Let each Legislature consent that the entire State, with the exception of a mere fragment—say a mile square—be set off to itself and remitted to a territorial condition, and let Congress assent, and the Union is gone; for, practically, there would be no Congress and no States. A result like this may be said to be incompatible with the whole theory and structure of the government.

Equally with the doctrine of nullification and secession, it is unprovided for in the Federal Constitution. The framers of that instrument never contemplated a quiet dissolution of the Union. They expected it to last until overturned by force. And, whenever the exercise of a power by Congress, or the States, tends directly or substantially to dissolution, that

power is not granted.

A distinction, however, may be drawn between a whole State, or so nearly the whole as to amount to the same thing, being remitted to a territorial condition, and a small, or reasonable portion of the State being so remitted. There would be a clear difference in the effect. In one case the State itself, and, by consequence, Congress ceases to exist; while in the other, a new territory, and, in time, a new State, would be added to the Union; a result at once beneficial, and within the power of Congress. The one power, therefore, tending naturally to the admission of new States, and hence being within a positive clause of the Constitution, is, in itself, constitutional; while the other power, tending to dissolution, is essentially different, and without the entire scope of that instrument.

It may be argued that the constitutionality of the power cannot depend on the extent to which it is carried; that the power to remit six counties to a territorial condition, is the same in kind, and depends on the same constitutional provisions, as a power to remit twelve, twenty-four, or all the counties of the State to that condition. But this is not true. The legality or constitutionality of a measure often depends upon the degree in

which power over a given subject is exercised.

Laws changing the remedy, but not so far as to impair the obligation of the contract—laws covering defective acknowledgments and records—pilot laws—State laws enforcing the police powers of the State up to the line of conflict with the power of Congress to regulate commerce, are

examples. Besides, all the provisions of the Constitution must be construed reasonably; otherwise, the absurdities with which they can be tortured, might be advanced as an argument against the existence of a large number of the most undoubted powers of the Government.

The clause of the Constitution of the United States pertaining to this subject is as follows: "New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the

Legislatures of the States concerned, as well as of the Congress."

Here is express power to form a new State by dividing a State; a power, too, without limitation. Under it, any portion, however small, of a State, may be erected into a new State. Parts, however small, of two or more States, may be joined and made a State. Two or thirty-three States may be joined and erected into a new State. The result, by a junction of all the States, would be almost as serious, as we have seen an extreme division might be. The Senate would be composed of two mem-These consequences will never arise, because the wisdom of the country will always prevent; but they are constitutionally possible, and show how broad the power of Congress over the admission of States. The only limitation appears to be in the required consent of the Legislatures of the States concerned.

The question then arises, can Congress assent to the division of a State, not for the purpose of forming a new State, but to organize a Territorial Gov-

ernment preparatory to a new State at some future time?

In other words, is the division of the old State, and the formation of the new one, simultaneous in a constitutional sense? There is difficulty in this question. At the time of the adoption of the Constitution, the idea of a State, or a portion of it, being shorn of its sovereignty, and reduced to a mere territory, was not probably contemplated. The clause for the admission of new States, was intended to remedy a defect in the authorities of Congress under the confederation; and was necessary in order to provide for the territory then in existence, even if the acquisition of younger territory was not thought of, as many maintain. The Constitution, on its face, at first view, seems only to provide for a progressive movement from a territory to a State, and for the preservation of the States as such. The latter part of the clause permits the States to divide, but still, with the object of forming a new State then and there.

The provision, too, requiring Congress to protect the States against invasion and domestic violence, added to the general principle of public law, that every nation is bound to preserve itself and all its members, so long as possible, holds up, as the one high aim of the Constitution, the permanent existence of the States. All this must be conceded. But is it inconsistent with the proposition under consideration? The necessities of the times have long since compelled a liberal construction of this clause in the Constitution. Under it and the treaty-making power, foreign territory has been acquired and admitted into the Union. As time passes, the power to admit new States must be more and more expanded. fairly involves the power of discretion as to the time and circumstances of admission. It involves the power of legislation to mold and prepare the territory for its new condition. And if a State consent that a portion of its territory be severed, I see no reason why Congress may not permit that territory to be erected into a territorial government, if its inhabitants so desire. If, for instance, by inadvertence or ignorance of the precise geographical limits of a territory, a State has been formed with

boundaries so extensive as to embrace regions utterly unsuited, from sparseness of population, remoteness from the seat of government, or other causes, to the burdens, the rights and duties of a State, why cannot the evil be remedied by the united action of Congress and the State? To reduce a portion of a State to a territorial condition, is simply going back to the point started from; it adds no new feature to the government, but produces a condition of affairs in unison with all our institutions. Suppose Carson Valley, beyond the Sierra Nevadas, was a part of California, and that the connection, because of the distance and the intervening mountains, was disastrous, and that the population of the valley was insufficient for a State, or that its limits were too small, is there no constistutional power to sever the connection and attach the valley to Utah Territory? If not, then is our government destitute of some of the inherent powers of all nations. The right of the General Government and the States to preserve themselves, and of the people to secure for themselves and their posterity, the blessings of liberty, in itself commands such an interpretation of the Constitution as to confer the power claimed. And if a portion of the State could be thus severed and attached to another territory, already under a territorial form of government, it can be organized into a territorial government by itself. The objections to this power seems to be based more upon form than substance.

If a State can be divided, and a new State formed, then, upon the principle that the greater includes the less, a territory can be formed. If the people of the severed portion prefer to be organized under a territorial

government, nothing in the Constitution prevents.

Assuming this power to be in Congress, with consent of the State legally given, it is contended that the State has never consented, because the act of the Legislature is in violation of her own constitution, and be-

cause it is a surrender of sovereignty.

The tenth article of our Constitution provides that it may be amended by an act passed by two successive Legislatures, and then submitted to a vote of the people. The act under review did not conform to this provision, being simply an ordinary act of the Legislature. And to separate the six southern counties of the State by force of this act, is said to be an amendment of the Constitution in a way not pointed out.

Two questions arise. First: Is a change of the boundaries of a State, an amendment of the Constitution within the tenth article? And, second: If so, is not that act controlled, so far as a division of the State is concerned, by the clause already quoted from the Constitution of the

United States?

As a strictly legal question, arising in the courts of the State, in suits between individuals respecting rights of property, and aside from any action on the part of the General Government, a change of boundary might, perhaps, be an amendment requiring a vote of the people of the

whole State.

And, independent of article four, section three, of the Federal Constitution, to be noticed presently, it would be unjust in Congress to sanction such change, except made in accordance with the State Constitution. Even this, however, is not universally conceded. It is held by many that a change of boundary is simply a change of territory—that the fundamental principles of the Constitution remain the same, but become circumscribed in their sphere of action.

But, to consider the second question. The Federal Constitution does not require any action by the people. It speaks of the consent of the Legislature alone; and to ask the consent of the people also, would be a

matter of favor, not of right. It is difficult to see how the consent of the people can give any legal weight to the act of the Legislature.

The vote of the people is not a component part of the act of the Legislature, but something in addition thereto. It cannot, therefore, be said that this act is invalid, because not passed according to the forms of the Constitution. The act is complete in itself, and, as, such, is as valid as any other act of the Legislature.

The truth is, an amendment of a Constitution like our own, is not strictly an act of the Legislature at all, but an act of the people in their

sovereign capacity.

The action of the Legislature is preliminary and formal; the action of the people, vital and final. For these and other reasons, I respectfully suggest that the Act of the California Legislature is valid, though never submitted to a vote of the people of the whole Satte; and that article four, section three, of the Federal Constitution, contains all the requirements for a division

of the State.

The action of the General Government, hitherto, confirms this view. As a rule, the boundaries of States have been changed by act of Congress, with the consent of their Legislatures alone. In 1812, Louisiana was admitted into the Union, with certain boundaries. Subsequently, Congress passed "An Act to enlarge the limits of the State of Louisiana," by the provisions of which a very considerable portion of territory was "to become and form a part of the said State," in case the Legislature of the State consented thereto. The power of Congress and the State Legislature to alter the boundaries, independent of any action of the people, was discussed and affirmed.

When Missouri, in obedience to an act of Congress, authorizing her to form a State Constitution, presented herself for admission, and objection was made to that clause in her Constitution, requiring the Legislature to pass laws preventing free negroes and mulattoes from coming into and settling in the State, the question was finally disposed of, by a resolution admitting her, with the fundamental condition that the Legislature should change this clause. The Legislature did change it, and the State was admitted. This change, the Legislature, under the State Constitution, had no power to make; and the position was then taken that the consent of the people was essential. But Congress, notwithstanding the change was one of principle and not of mere territory, under the power to admit new States, accepted the action of the Legislature instead of the people. Doubtless, this was an extreme case.

In 1836 Congress, upon petition of the Legislature of Missouri, changed her western boundary, by extending it to the Missouri River. In 1838 and 1844, Congress passed acts to establish the southern boundary lines of Iowa Territory, and the northern line of Missouri, by which Commissioners were to be appointed by the President, the Governor of Iowa, and the Legislature of Missouri, to fix the boundaries, "finally and conclusively." And in 1846, the question being still unsettled, an act passed Congress, in accordance with acts of the Legislatures of Missouri and Iowa, agreeing to submit the boundary dispute between them to the Su-

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preme Court of the United States, for final adjudication.

In 1848, Congress ratified the boundary line between Missouri and

Arkansas, as established by their Legislatures.

In 1819, the Legislature of Massachusetts passed an Act authorizing the people of that part of the State known as the District of Maine, to form a Constitution and become an independent State. The people of that district alone voted upon the question, formed a

Constitution, and were admitted into the Union.

In 1842, during the negotiations between our government and Great Britain, as to the north-eastern boundary line, Maine and Massachusetts, by their Legislatures alone, without any action on the part of the people, appointed Commissioners to treat with the Federal Government, and through these Commissioners, surrendered a large portion of territory, for the sum of three hundred thousand dollars, and by the same treaty New York, New Hampshire, and Vermont, acquired territory. Here, portions of a State were ceded to a foreign nation, which is a stranger case than the one proposed by California.

In other instances, the boundaries of States have been altered by Congress and the State Legislatures, without reference to the constitutional provisions as to amendments. And although the argument that such alterations are invalid without a direct vote of the people, has been sometimes urged, still it has been overruled; whether from high State necessity, or because a change of boundary was not deemed an amendment of

a Constitution, is immaterial.

The settled practice of the nation, in this respect, becomes the law. And there would appear to be no solid objection to vesting this power to change the boundaries of a State with Congress and the Legislature of the State concerned.

The fair presumption is, that the Legislature will not interfere with the boundaries fixed by the Constitution, except when the people really desire, and an interference contrary to the united voice of the people

could be effectually thwarted by petitions to Congress.

It may be added, that the whole process of amending Constitutions similar to that of California, shows the provision as to amendments to be inapplicable to a change of boundary. After the proposed amendments have passed two successive Legislatures, and been submitted to a vote of the people, and approved by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments "shall become part of the Constitution."

This is the whole result. Then, what is the condition of things? Simply,

that what was once a portion of the State, is now out of the State; and

that, too, without the consent of Congress.

This is absurd; there is no way for a State to part with its territory, without some treaty or compact, both of which are prohibited to the States unless Congress consents; or without a compliance with Article four, Sec. three of the Constitution of the United States. In short, it is impossible to change the boundaries of a State by this process of amendment alone.

The objection that the Act of the Legislature amounts to a surrender of sovereignty is untenable. A State may cede a portion of its territory, together with the jurisdiction and sovereignty over it, with the consent of Congress. It possesses all the powers of any independent sovereign nation, except in so far as restricted by the Constitution of the United The power to make treaties, compacts, or agreements, with other nations, is forbidden to the States without the consent of Congress. But, that consent given, the power of the State is absolute; and exists to the same extent, as if the State were an isolated, free, and sovereign, nation, instead of being a member of the Union.

Under this power, California could enter into a treaty or compact with Oregon, upon any of the subject matters of compacts between independent nations; and among these subject matters, are the acquisition and cession

of territory. That nations may surrender a part of their territory, with the jurisdiction and sovereignty over it and the people therein, is a principle of International Law essential to their very existence. A distinguished writer, in speaking of compacts between nations, says "This may either leave the inferior nation a part of the sovereignty, or they may totally abolish it, so that the superior nation shall become the sovereign of the other, or the lesser nation may be incorporated with the greater, in order thenceforward to form with it but one and the same State."

According to this doctrine, many of the present nations of Europe and America have been made up of what were once distinct and independent sovereignties; the national existence of the latter having been merged and blotted out. Our own government, in the acquisition of Florida, Louisiana, Texas, and California, and in the treaty of Washington, settling our northeastern boundary, has sanctioned the principle by recognizing the power of other nations to cede their territory, together with the jurisdiction and sovereignty thereof.

Aside from this power inherent in all sovereign nations, the States of the Union derive it necessarily from Article four, Sec. three, of the Federal Constitution heretofore quoted. If two or more States can be joined and erected into a new State, their sovereignty is surrendered. So that if there were any doubt as to the power of nations to yield up their sovereignty, there can be none as to the possession of power by the States of this Union, if Congress consent.

It may be said that, conceding the power of the States to surrender their sovereignty, the surrender must be made by the people in their

primary capacity, and not by the Legislature.

And this, because sovereignty resides in the nation alone; and that the nation is something distinct from, and more than the executive and legistive power of the nation. This may sometimes be true; but not as applied to the United States.

The people have transferred to the Legislature, power to act upon all subjects, except so far as restricted by the State Constitution. The general doctrine is, that Congress possesses only the powers granted expressly or by implication in the Federal Constitution; while the State Legislatures possess all powers not prohibited by the Constitutions of the

respective States.

Upon the whole subject, it is clear that Congress should act cautiously before organizing these southern counties into a Territorial Government. In the event of such organization, and its recognition by the Executive Department of the General Government, the matter is then beyond the control of the Judicial power, Federal or State, and also beyond the control of the State in its political capacity.

In other words, the State will have been effectually divided, right or

wrong.

The State would be powerless, politically or judicially, to enforce any jurisdiction over the separated counties; and the Federal Judiciary would be bound by admitted principles of law, to follow the decision of the Executive and Legislative departments of the General Government. And if the dispute should ripen into war or domestic violence, the General Government would be compelled to interpose and decide. Its duty to guarantee to each State a republican form of government, and to protect it against domestic violence, gives it the constitutional power to act independently of the courts, and by the strong arm of the military to establish the boundary.

I have deemed the entire question, from its newness, worthy of these several suggestions, even though it subject me to the charge of prolixity.

Respectfully,

(Signed,)

MILTON S. LATHAM, Governor of California.

REPORT.

Mr. Anderson, Chairman of the Joint Committee on Printing, made the following report:

Mr. President:—The Joint Committee of the Senate and Assembly, to whom was referred the resolution relating to printing the Annual Message and Inaugural Address of the Governor and the accompanying reports and documents, have had the subject under consideration, and beg leave to submit the following Concurrent Resolution as the result of their labors, and recommend the passage thereof.

JAMES ANDERSON,
Chairman of Senate Committee.
T. LASPEYRE,

Chairman of House Committee.

Resolved, By the Senate, the Assembly concurring, that there be five thousand copies of the Governor's Annual Message and the Governor's Inaugural Address printed together in English, and one thousand in Spanish, two thousand five hundred copies in English of the reports of the State Controller and State Treasurer, four thousand copies of the Report of the Superintendent of Public Instruction, one thousand copies each of the reports of the Attorney-General and Secretary of State, two thousand five hundred copies of the Surveyor-General's Report, one thousand copies of the Report of the Directors and Resident Physician of the State Insane Asylum, four hundred and eighty copies of the Report of the State Agricultural Society, four hundred and eighty copies of the Report proper of the Commissioners for the establishment and erection of a State Reform School.

Adopted.

Senate Concurrent Resolution, Relative to printing Governor's Message in Spanish and English, was taken up and adopted.

On motion of Mr. Merritt, the vote just taken was reconsidered.

On motion of Mr. De la Guerra, the words "and two thousand five hundred in English and five hundred in Spanish, relative to the vote for the division of the State," was inserted after the words "Spanish," in the sixth line.

The resolution as amended was then adopted.

REPORTS.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills have examined Senate Bill, No. 2, entitled An Act relating to the Thirteenth Judicial

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District, and to define the time for holding the Courts in said District, and find the same correctly enrolled.

A. ST. C. DENVER, Chairman.

JANUARY 12th, 1860.

Accepted.

Also, the following report, from the same:

Mr. President:—I have, this day, at ten minutes past eleven o'clock, A. M., delivered to the Governor, for his approval, Senate Bill, No. 1, entitled An Act to appropriate money for Postage and Express purposes during the present session of the Legislature;

Also, Senate Bill, No. 2, entitled An Act relating to the Thirteenth Judicial District, and to define the time of holding the Courts in said District.

A. ST. C. DENVER,

Chairman of Committee on Enrolled Bills.

JANUARY 12th, 1860.

Accepted.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 4, An Act Concerning the office of the District Attorney of San Joaquin County, and find the same correctly engrossed.

G. W. DENT,

Chairman.

Accepted.

Mr. Sharp, of the San Francisco and San Mateo Delegation, made the following report:

Mr. President:—The delegation from the Fifth Senatorial District. to whom was referred Senate Bill, No. 6, for an act entitled An Act to authorize the compromise, liquidation, and payment, to Fletcher M. Haight, for legal services, have had the same under consideration, and herewith report the same back and recommend its passage.

Respectfully,

SOL. A. SHARP,

Accep'ed.

For the Delegation.

On motion of Mr. Sharp, the rules were suspended, and Senate Bill, No. 6. An Act to authorize the compromise, liquidation, and payment, of Fletcher M. Haight, for legal services, was taken up, considered engrossed, read a third time, and passed.

On motion of Mr. Sharp, the Forty-Fifth Standing Rule of the Senate was suspended, and the Secretary authorized to immediately transmit

the bill just passed to the Assembly.

RESOLUTIONS.

Mr. Merritt offered the following resolution:

Resolved, That the Sergeant-at-Arms be allowed a Clerk, to be paid at the rate of eight dollars per day, out of the Contingent Fund of the Senate.

Adopted.

Mr. Leet offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that a Joint Committee of three from each Body be appointed to wait upon the Hon. Milton S. Latham, and inform him of his election by the Joint Convention as United States Senator, to fill the vacancy caused by the death of the late Hon. D. C. Broderick.

On motion of Mr. Merritt, the resolution was laid on the table.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, January 12, 1860.

Mr. President:-The Assembly have, this day, passed Senate Bill. No. 3, An Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to reissue certain Bonds of the City of San Francisco to John B. Dickinson;

Also, Assembly Bill, No. 16, An Act to amend "An Act to provide for the support of the Indigent Sick of Yuba County," approved March thirty-

first, one thousand eight hundred and fifty-six.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 16, An Act to amend an Act entitled "An Act to provide for the support of the Indigent Sick of Yuba County," approved March thirty-first, one thousand eight hundred and fifty-six, taken up, read first and second times, and referred to the delegation from Yuba County.

PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF CALIFORNIA.

Mr. Sharp offered the following proposed amendments to the Constitution:

The Legislature of the State of California at its Eleventh Session, commencing on the second day of January, A. D., one thousand eight hundred and sixty, propose the following amendments to Article VI of the Constitution:

ARTICLE VI.—Of the Judicial Department.

Section 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in Courts of Common Pleas, and in Justices of the Peace, and in such Recorders or other inferior courts as the

Legislature may establish in any incorporated city or town.

SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three Justices shall be necessary fbr the transaction of business, except such business as may be done at chambers, and the concurrence of three Justices shall be necessary to pronounce a judgment.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at special elections, to be provided by law, at which elections no officers other than judicial shall be elected. The first election for Justices of the Supreme Court shall be held in the year one thousand eight hundred and sixty-two. The Justices shall hold their offices for the term of ten years from the first day of January next after their election; provided, that the Legislature of one thousand eight hundred and sixty-two shall by joint ballot designate one of their number Chief Justice, and so classify them that one Justice shall go out of office every two years. After the first election the Chief Justice shall be de-

signated by the Justices.

Sec. 4. The Supreme Court shall have appellate jurisdiction in all cases of equity; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest or value of the property in controversy, amounts to three hundred dollars; also, in all cases arising in the Probate Courts; and also, in all criminal cases. The court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus; and also, all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of habeas corpus to any part of the State, upon the petition of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any District Judge, or any Court of Common Pleas in the State, or before any Judge of said courts.

Sec. 5. The State shall be divided by the Legislature of one thousand eight hundred and sixty-two into a convenient number of judicial districts, subject to such alteration from time to time as the public good may require, in each of which there shall be a District Court, and for each of which a District Judge shall be elected by the qualified electors of the district at the special judicial elections to be held as provided for the election of Justices of the Supreme Court by section three of this article. The District Judges shall hold their offices for the term of six years from the

first day of January next after their election.

SEC. 6. The District Courts shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand exclusive of interest, or value of the property in controversy amounts to three hundred dollars; and, also, in all criminal cases not otherwise provided for. The District Courts shall also have appellate jurisdiction in all cases arising in the Courts of Common Pleas. The District Courts and their Judges shall have power to issue writs of habeas corpus on the petition of any person held in actual custody in their respective districts.

SEC. 7. There shall be in each of the judicial districts of the State a Court of Common Pleas, of which a Judge shall be elected in each district by the qualified electors thereof at the special elections to be held as provided for the election of Justices of the Supreme Court by section three of this article. The Judges of the Courts of Common Pleas shall hold their offices for the term of six years from the first day of January

next after their election.

SEC. 8. The Courts of Common Pleas shall have original jurisdiction of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and of all such special cases and proceedings as are not otherwise provided for, and also such criminal jurisdiction as the Legislature may prescribe. They shall also have appellate jurisdiction in all cases arising in courts held by Justices of the

Peace, Recorders, and Mayors, and in such inferior courts as may be established in pursuance of section one of this article in their respective districts. The Judges of the Courts of Common Pleas, shall also hold in the several counties of their respective districts Probate Courts, and perform such duties as Probate Judges as may be prescribed by law. Courts of Common Pleas and their judges shall also have power to issue writs of habeas corpus on the petition of any person in actual custody in their respective districts.

The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix, by law, their powers, duties, and responsibilities; provided, such persons shall not in any case trench upon the jurisdiction of the several courts

of record.

The Legislature shall fix, by law, the jurisdiction of any Re-SEC. 10. corder's, Mayor's, or other inferior municipal courts which may be established in pursuance of section one of this article, and shall fix, by law, the powers, duties, and responsibilities, of the Judges thereof; provided, such powers shall not, in any case, trench upon the jurisdiction of the several

courts of record.

Sec. 11. The Legislature shall provide for the election of a Clerk of the Supreme Court, and County Clerks, District Attorneys, Sheriffs, Coroners, and other necessary officers, and shall fix, by law, their duties and compensation. County Clerks shall be ex officio Clerks of the Courts of Record in and for their respective counties. The Legislature shall also provide for the appointment, by the several District Courts, of one or more Commissioners in the several counties of their respective districts, with authority to perform chamber business of the Judges of the District Courts and Common Pleas, and also to take depositions, to hear cases on reference, and to perform such other business connected with the administration of justice as may be prescribed by law.

SEC. 12. The times and places of holding the terms of the Supreme Court, of the District Courts, and of the Courts of Common Pleas within

the several districts, shall be provided for by law.

No judicial officer, except Justices of the Peace and Commis-

sioners, shall receive to his own use any fees or perquisites of office.

The Legislature shall provide for the speedy publication of all such judicial decisions as it may deem expedient, and all judicial decisions shall be free for publication by any person A Reporter of the decisions of the Supreme Court shall be appointed by the Justices thereof.

The Justices of the Supreme Court, District Judges, and the Judges of the Courts of Common Pleas, shall, severally, at stated times during their continuance in office, receive for their services a compensation, to be paid out of the State treasury, which shall not be diminished during the term for which they may have been elected. The amount of their respective salaries, payable in equal monthly installments at the end of each month, shall be deemed appropriated, by virtue of this article, out of any funds at the time in the State treasury, not otherwise appropriated to specific objects.

Whenever a District Judge, or Judge of the Court of Common Pleas, shall be absent from the State by leave of the Legislature, the Governor shall appoint some person, learned in the law, to act as Judge in the place of the absent Judge during such absence. The Judge so appointed shall draw the salary of the absent Judge during his ab-

sence.

SEC. 17. The Justices of the Supreme Court, and the District Judges, and the Judges of the Courts of Common Pleas, shall be ineligible to any other office than a judicial office during the term for which they shall have been elected.

Sec. 18. Judges shall not charge juries with respect to matters of fact,

but may state the testimony and declare the law.

SEC. 19. The style of all process shall be "The people of the State of California," and all prosecutions shall be conducted in their name and by their authority.

On motion of Mr. Phelps, the amendments to the Constitution were referred to the Judiciary Committee, and four hundred and eighty copies ordered printed.

INTRODUCTION OF BILLS.

Mr. Titus, by leave, introduced a bill for An Act for the relief of A. D. Park, late County Treasurer of El Dorado County.

Read first and second times and referred to the Committee on Finance. Mr. Eagon, by leave, introduced a bill for An Act to authorize the Secretary of State to cause the issuance of duplicates for certain lost State Bonds.

Read first and second times and referred to the Committee on Claims. Mr. O'Farrell, by leave, introduced a bill for An Act to authorize Martha Buckelew and her assigns to build a Wharf at Agnes Island, in Marin County.

Read first and second times and referred to the Committee on Swamp

and Overflowed Lands.

Mr. Redman, by leave, introduced a bill for An Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act concerning Estray Animals,' " passed April nineteenth, one thousand eight hundred and fifty-six, approved March twenty-eighth, one thousand eight hundred and fifty-nine.

Read first and second times, rules suspended, bill considered engrossed,

read a third time and passed.

Mr. Merritt offered the following resolution:

Resolved, That the Attorney-General is hereby requested to furnish to the Senate his opinion in writing whether it is necessary to submit the question of the payment of the State indebtedness unprovided for by the act of April one thousand eight hundred and fifty-seven, to a vote of the people, before the Legislature would have the constitutional power to provide for payment of the same.

Adopted.

Mr. Watkins moved to take from the table Senate Resolution, Relative

to employment of two Clerks for the Secretary of the Senate.

Upon which the ayes and noes were demanded by Messrs. Dickinson Phelps, and Merritt, and taken, with the following result: Ayes, 11noes, 21.

AYES-Messrs. Bradley, Crittenden, Denver, Lansing, Leet, McDonald,

Parker, Ryan, Watkins, Watson, and Wheeler-11.

Noes-Messrs, Anderson, Ballou, Chase, Dent, Dickinson, Eagon, Edg-erton, Franklin, Haynes, Kirkpatrick, Logan, Merritt, O'Farrell, Parks, Peachy, Phelps, Pico, Quinn, Redman, Titus, and Vance-21.

So the motion to take from the table was lost.

Mr. Dickinson offered the following resolution:

Resolved, By the Senate, the Assembly concurring, that the Joint Rules and Orders of the Tenth Legislature be adopted for the government of the two Houses until otherwise ordered.

Adopted.

JOINT RULES AND ORDERS.

T.

In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their Chairman, meet in their conference chamber and state to each, verbally or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

II.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

III.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

IV.

While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House respectively.

V.

After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the Assembly or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the State.

VI.

When bills are enrolled, they shall be examined jointly by the Enrolling Committees of the Senate and the Assembly, appointed as standing committees for that purpose, who shall carefully compare the enrollment with the engrossed bill as passed in the two Houses, and, correcting and errors that may be discovered in the enrolled bills, make their report forthwith to their respective Houses.

VII

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

VIII.

After a bill shall have thus been signed in each House, it shall be presented by the said committee to the Governor of the State, for his approval (it being first indorsed on the back of the roll, certifying in which House the same originated, which indorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same

originated) and shall be entered on the Journals of each House. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the Journals of each House

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All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills

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When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber, by the President of the Senate, in the presence of the Speaker and both Houses.

XI.

When a bill or resolution, which shall have passed in one House, is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

XII.

When a bill or resolution, which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

XIII.

Each House shall transmit to the other, papers on which any bill or resolution shall be founded.

XIV.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost.

XV.

No bill or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approval on the last day of the session.

XVI.

No appropriations of money, for any purpose whatever, shall be made. except by bill.

XVII.

Each House may order the printing of bills introduced, and reports of its own committees, but no other printing shall be ordered except by a Concurrent Resolution passed by both Houses.

XVIII.

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There shall be a Joint Standing Committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

XIX.

No spirituous liquors shall be offered for sale or introduced within the Capitol or public grounds adjacent thereto.

On motion of Mr. O'Farrell the Senate adjourned. Approved.

I. N. QUINN,

President pro tem. of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Friday, January 13th, 1860.

Senate met pursuant to adjournment. President pro tem. in the Chair. Roll called. Absent—Messrs. O'Farrell, Lansing, and Titus. Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

Mr. Logan, by leave, introduced a bill for An Act to extend the time for collecting Taxes in the County of Colusa.

Read first and second times, rules further suspended, bill considered

engrossed, read a third time, and passed.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act for the relief of D. O. Shattuck.

Read first and second times, and referred to the San Francisco and San Mateo Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, Sacramento, January 13, 1860.

To the Honorable the Senate of California:

I hereby nominate to the office of Port Warden of the port of San Francisco, Charles R. Street, vice Thomas Brennan, removed; Lansing B. Mizner, vice John B. Shaffer, removed; Horace Austin, vice George W. Ryder, removed; Henry M. Benson, vice Thomas Shockley, removed, and ask the concurrence of the Senate therein.

MILTON S. LATHAM.

Governor of California.

On motion of Mr. Sharp, the Senate went into Executive Session to consider the Governor's Message, relative to appointment of Charles R. Street, as Port Warden of the port of San Francisco.

Mr. Phelps moved to lay the message on the table.

Mr. Anderson arose to a point of order:

The Senate could only lay on the table that which was then before the Senate, and the only business before the Senate was that part of the Governor's Message relative to the confirmation of C. R. Street as Port Warden of San Francisco.

The President decided the point of order not well taken. Mr. Anderson appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand the decision of the Senate?" the question was put, and the Chair was sustained.

The question recurring on laying the whole subject matter on the table, the ayes and noes were demanded, by Messrs. Phelps, Parker, and Watson, and taken, with the following result:

AYES-Messrs, Clark, Chase, Dickinson, Franklin, Parker, Parks, Phelps, Redman, and Watson-9.

Noes-Messrs, Anderson, Bradley, Ballou, Crittenden, Dent, Denver, Eagon, Haynes, Kirkpatrick, Leet, Logan, McDonald, Merritt, Peachy, Quinn, Ryan, Sharp, Vance, and Watkins-19.

So the Senate refused to lay on the table.

The question being, "Will the Senate advise and consent to the appointment of C. R. Street, as Port Warden for San Francisco?" the roll was called, with the following result:

AYES—Messrs. Anderson, Bradley, Ballou, Clark, Chase, Crittenden, De la Guerra, Dent, Denver, Dickinson, Eagon, Franklin, Haynes, Kirkpatrick, Leet, Logan, McDonald, Merritt, Parks, Peachy, Pico, Quinn, Redman, Ryan, Sharp, Vance, Watkins, and Watson—28.

Noes-Messrs. Parker and Phelps-2.

So the appointment was confirmed.

The question being, "Will the Senate advise and consent to the appointment of Lansing B. Mizner, as Port Warden for San Francisco?" the roll was called, with the following result:

AYES—Messrs. Anderson, Bradley, Ballou, Clark, Chase, Crittenden, De la Guerra, Dent, Denver, Dickinson, Eagon, Edgerton, Franklin, Haynes, Kirkpatrick, Leet, Logan, McDonald, Merritt, Parker, Parks, Peachy, Pico, Quinn, Redman, Ryan, Sharp, Vance, Watkins, Watson, and Wheeler—31.

Noes-Mr. Phelps-1.

So the appointment was confirmed.

On motion of Mr. Clark, the further consideration of the Governor's Message was made the special order of the day for Tuesday next at twelve, M.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,

Sacramento, January 11th, 1860. \{\}
To the Honorable the President of the Senate, and the Speaker of the Assembly

of the State of California:

Gentlemen:—I have the honor of acknowledging the receipt of your communication of this day, certifying to me, in my official capacity as Governor of the State of California, that the Honorable Bodies over which you preside had met in Joint Convention and chosen a Senator in Congress to fill the existing vacancy, and certifying furthermore, that their choice had fallen upon myself.

Thus invited by their suffrage to assume duties incompatible with those conferred upon me by the people at large at the last general election, I

herewith transmit, through you, to the Legislature, this, my resignation of the office of Governor of the State of California, to take effect on

Saturday, the fourteenth instant, at twelve, M.

The new mark of confidence vouchsafed me, so soon after the solemn occasion of my entering upon the high office I now resign, has deeply impressed me, and I feel that the only adequate acknowledgment I can proffer, is an earnest endeavor to be worthy of so exalted a distinction.

I accept the new position, so honorable in its character, and vacate the Executive Chair, without hesitation, at the bidding of the State, firmly believing that I can serve her more effectually in the National Council

than elsewhere.

The known capacity and integrity of character of my constitutional successor, and my firm reliance upon the wisdom and patriotism of the present Legislature, suffice to relieve any anxiety I might otherwise experience in taking so important a step.

Be pleased to convey to the Senate and Assembly the warmest expres-

sion of my regard.

I am, with distinguished consideration,

Your obedient servant,
MILTON S. LATHAM,
Governor of California.

Mr. Sharp moved that the Governor's resignation be accepted. Mr. Redman moved to lay the message on the table.

Carried.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, January 13th, 1860.

Mr. President:—The Assembly, on yesterday, passed Assembly Bill, No. 23, An Act to repeal "An Act relative to the time of assessing the value of Real and Personal Property, and collecting Taxes levied thereon, for State and County purposes, in the Counties of Sierra and Plumas," so far as the provisions of said Act relate to the County of Plumas

R. K. WESTON,

Assistant Clerk of Assembly.

On motion of Mr. Peachy, the vote by which the resignation of the Governor was laid on the table, was reconsidered.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 23, An Act to repeal "An Act relative to the time of assessing the value of Real and Personal Property, and collecting Taxes levied thereon for State and County purposes, in the Counties of Sierra and Plumas," so far as the provisions of said Act relate to the County of Plumas, was taken up, read first and second times, and referred to the Plumas Delegation.

REPORT.

The following report was received from the Treasurer of State:

STATE OF CALIFORNIA, TREASURY DEPARTMENT, Sacramento, January 13th, 1860.

To the Honorable the Senate of California:

In compliance with section three of An Act concerning the Receipts and Expenditures of the State, I transmit herewith, a statement of the contingent expenses of the Treasurer's office from the first day of January to December thirty-first, one thousand eight hundred and fifty-nine.

Respectfully,
THOMAS FINDLEY,

State Treasurer.

STATEMENT

Of the State Treasurer's Contingent Fund from December 31st, 1858, to December 31st, 1859, inclusive.

Paid for State Register. \$3 00 Washing Towels for office. 4 50 Homographic Charts 2 00 Paid John O'Meara, for Ruling and Binding Coupon Books 25 00 John O'Meara, for Ruling and Binding Cash Book 25 00 One Tin Box for Vouchers 12 00 Stove and Stove-pipe, and putting up, for use of office 40 00 Michael Sullivan, Watchman for State Treasurer's office, liability from January 1st to 31st, 1859 100 00 C. R. Clark, Watchman, State Treasurer's office, liability from January 1st to 31st, 1859, inclusive 215 00 Paid C. N. Hardenberg, for services as Clerk, from December 31st, 1858, to January 3d, 1859, inclusive 20 00 Paid Wells, Fargo & Co., for one hundred Envelopes 20 00 C. R. Clark, Watchman, State Treasurer's office, liability from February 1st to 28th, 1859, inclusive 100 00 Michael Sullivan, Watchman, State Treasurer's office, liability from February 1st to 28th, 1859 100 00 Two reams Cap Paper 9 00 Two reams Letter Paper 8 00 Six gross Steel Pens 3 78 One pross Red Tape 3 00 One-half gross Accommodation Holders 2 50 Alta Newspaper 7 00 <th></th> <th></th> <th></th>			
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Star Newspaper		7	00
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C. R. Clark, Watchman, State Treasurer's office, liability from	J. R. Hardenbergh, for Envelopes	10	65
April 1st to 31st, 1859 100 00	C. R. Clark, Watchman, State Treasurer's office, liability from		
	April 1st to 31st, 1859	100	00

Michael Sullivan, Watchman, State Treasurer's office, liability		
from April 1st to 31st, 1859	100	00
Union and Standard Newspapers	100	00
San Francisco National	10	00
Washing Towels for office	5	00
C. R. Clark, Watchman, State Treasurer's office, liability from	9	UU
Max 1st to 21st 1850	100	00
May 1st to 31st, 1859	100	00
from May 1st to 31st, 1859	100	00
C. R. Clark, Watchman, State Treasurer's office, liability from	100	00
June 1st to 30th, 1859	100	00
Michael Sullivan, Watchman, State Treasurer's office, liability		
from June 1st to 30th, 1859	100	00
One Tin Box for filing away Coupons	12	0.0
Advertising Warrants in Daily Bee	60	00
Wells, Fargo & Co., for Franks	5	00
One dozen Bottles Ink	6	00
One ream Congress Letter Paper	6	00
One dozen Bottles Red Ink	3	50
One Banker's Wallett	2	00
One quire Blotting Paper	1	50
One-half ream Note Paper	2	50
Paid for Sprinkling Streets		
Union, Standard, and National newspapers	6	00
Paid Caduc for Ice	2	50
Paid B. Kohn, by order of the Governor, for two months servi-		
ces as Watchman of State Capitol and Treasurer's Office,		
liability from February 15th to April 15th, 1859, at \$100		
per month	200	00
per month		
the amount of money in Sinking Fund for redemption of		
State Bonds		00
Paid J R. Hardenbergh, Postmaster, for Box Rent from April		
1st to June 30th, 1859	5	50
One hundred three-cent Envelopes		20
Fifty ten-cent Envelopes		10
Stamps and Postage on newspapers		80
Paid Ice Bill to Cadue	4	34
Wells Fargo & Co. for Envelopes	5	00
Union, Standard, and National newspapers.	14	
Freeman & Co. for Envelopes	5	00
Union, Standard, and National newspapers Freeman & Co. for Envelopes Paid C. R. Clark's bill for Oil Soap and Door Key for State		~~
Treasurer's Office	16	00
For Daily Union, Standard, and National newspapers	17	
Putting Glass in office Windows		75
8		
Total	\$2,072	87
		_

(Signed)

THOMAS FINDLAY, State Treasurer.

Subscribed and sworn to before me this twelfth day of January, A. D. one thousand eight hundred and sixty.

E. E. EYRE, Notary Public. On motion of Mr. Sharp, Governor Weller's Message, Relative to appointment of Fund Commissioners, was taken from the table and made the special order of the day for Thursday, January ninteenth, one thousand eight hundred and sixty.

On motion of Mr. Dickinson, the statement of the Secretary of State, Relative to Contingent Expenses of his office, was taken from the table

and referred to the Committee on Finance.

Mr. Bradley presented the following account:

For services rendered on Special Investigating Committee on State Prison Affairs, since the tenth session, by Senators Berry, Bradley, and Anderson as follows:

To services rendered from twentieth April to sixteenth of May, one thousand eight hundred and fifty-nine, both dates inclusive, being twen-

ty-seven days, at ten dollars each per day.

Berry's per diem	\$270 00 270 00
Total	\$810 00

Mileage due each in traveling to and from the Capital to the State Prison at San Quentin, being for each, fifty-two dollars.

Upon the foregoing amounts there is a credit of one hundred dollars each, making the amounts now due as follows:

To Berry, now due To Bradley, now due To Anderson, now due	222	00
Total	\$666	00

On motion of Mr. Bradley, the above account was referred to the Com-

mittee on Contingent Expenses.

On motion of Mr. Logan, the Forty-Fifth Standing Rule of the Senate was suspended and the Secretary authorized to immediately transmit to the Assembly Senate Bill, No. 19, An Act to extend the time for collecting Taxes in the County of Colusa.

NOTICE OF BILL.

Mr. Redman gave notice that on to-morrow, or at an early day thereafter, he would introduce a bill for An Act to amend an Act entitled "An Act to regulate proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one.

On motion of Mr. Dent, the vote by which the Governor's Message, Relative to the appointment of Port Wardens for the port of San Francisco, was made the special order of the day for Tuesday, January seven-

teenth, was reconsidered.

On motion of Mr. Kirkpatrick, the Senate went into Executive Session

to consider the Governor's Message, relative to appointments.

The question being, will the Senate advise and consent to the appointment of Horace Austin as Port Warden for San Francisco, the roll was called, with the following result: Ayes, 22—noes, 7.

AYES—Messrs. Bradley, Chase, Crittenden, De la Guerra, Dent, Denver, Eagon, Edgerton, Kirkpatrick, Leet, Logan, McDonald, Merritt, Parks, Peachy, Pico, Quinn, Ryan, Sharp, Vance, Watkins, and Wheeler—22.

Noes-Messrs. Anderson, Ballou, Franklin, Haynes, Parker, and Phelps-7.

So the appointment of Mr. Austin was confirmed.

Mr. Redman was excused from voting.

The question being, will the Senate advise and consent to the appointment of Henry M. Benson as Port Warden for the port of San Francisco, the roll was called, with the following result: Ayes, 22—noes, 6.

AYES—Messrs. Bradley, Chase, Crittenden. De la Guerra, Dent. Denver, Eagon, Edgerton, Kirkpatrick, Leet, Logan, McDonald, Merritt, Parks, Peachy, Pico, Quinn, Ryan, Sharp, Vance, Watkins, Watson, and Wheeler—22.

Noes—Messrs. Anderson, Ballou, Franklin, Haynes, Parker, and Phelps

Mr. Redman declined to vote.

Mr. Watkins was excused from voting.

So the nomination was confirmed.

REPORTS.

Mr. Denver made the following report:

Mr. PRESIDENT:—Your Committee on Enrolled Bills have examined Senate Bill, No. 3, entitled An Act to authorize the Commissioners of the Funded Debt of the city of San Francisco to reissue certain Bonds of the city of San Francisco to John B. Dickinson;

Also, Senate Concurrent Resolution, No. 8, Relative to the Survey of the Eastern Boundary Line of California, and find the same correctly en-

rolled.

A. ST. C. DENVER,

Chairman.

Report accepted.

Mr. Kirkpatrick asked and obtained leave of absence for Mr. Lansing for one day.

Mr. Dent made the following report:

SENATE CHAMRER, January 13th, 1860.

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 16, entitled An Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act concerning Estray Animals,'" passed April nineteenth, one thousand eight hundred

and fifty-six, approved March twenty-eighth, one thousand eight hundred and fifty-nine, and find the same correctly engressed.

DENT, Chairman.

Report accepted.

NOTICE OF BILL.

Mr. Ballou gave notice of the introduction of a bill for An Act to repeal "An Act creating the office of Liquor Gager for the port of San Francisco."

Mr. Bradley asked and obtained leave of absence for Mr. O'Farrell for one day.

Mr. Sharp offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that the Hon. R. B Sherrard, County Judge of Sutter County, shall have leave of absence from this State for the period of four months, at any time during the present year.

Adopted.

On motion of Mr. Sharp, the Senate adjourned. Approved.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Saturday, January 14th, 1860.

Senate met pursuant to adjournment.
President pro tem. in the Chair.
Roll called.
Journal of yesterday read and approved.
Absent—Messrs. Ballou, Peachy, Phelps, and Titus.

REPORT.

Mr. De la Guerra, chairman of the Finance Committee, made the following report:

Mr. President:—The Finance Committee, to whom was referred Senate Bill, No. 8, An Act appropriating money for the pay of Copying done for the Legislature, have had the same under consideration and recommend its passage.

PABLO DE LA GUERRA,

Chairman Committee on Finance.

*

JANUARY 14, 1860.

Report accepted and bill placed on file.

Mr. Lansing, chairman of the Committee on Contingent Expenses, made the following report:

Mr. PRESIDENT:—The Committee on Contingent Expenses, to whom was referred the accounts of Senators Berry, Bradley, and Anderson, for services rendered on Special Investigating Committee on State Prison Affairs, since the tenth session, report that they have examined the same and recommend that the same be allowed and paid out of the Contingent Fund of the Senate.

C. J. LANSING,

Chairman.

Report accepted and placed on file.

Mr. Denver, chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—On yesterday, at one o'clock, p. m., I delivered to the Governor, for his approval, Senate Bill, No. 3, entitled An Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to reissue certain Bonds of the City of San Francisco to John B. Dickinson.

A. ST. C. DENVER,

Ch'n Committee on Enrolled Bills.

JANUARY 14, 1860.

Report accepted.

Mr. Sharp offered the following Concurrent Resolution, Relative to installing Lieutenant-Governor Downey into office, which was adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Dep't, Sacramento, January 13th, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have this day approved Senate Bill, No. 1, An Act to appropriate money for Postages and Express Purposes during the present session of the Legislature;

Also, Senate Bill, No. 2, An Act relating to the Thirteenth Judicial District, and to define the time of holding the Courts of said District;

Also, Senate Bill, No. 3, An Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to reissue certain Bonds of the City of San Francisco to John B. Dickinson.

MILTON S. LATHAM,

Governor.

INTRODUCTION OF BILLS.

Mr. Redman, pursuant to notice, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to regulate proceedings in Criminal Cases," passed May first, one thousand eight hundred and fiftyone.

Read first and second times and referred to the Judiciary Committee.

Mr. Parks, by leave, introduced a bill for an act entitled An Act to
define the Boundaries of Sutter County.

Read first and second times and, on motion of Mr. Vance, was referred

to a special committee of five.

Mr. Bradley, by leave, introduced a bill for an act entitled An Act to fix the Compensation of the District Attorney of Calaveras County.

Read first and second times, rules further suspended, bill considered engrossed, read third time, and passed.

10sen

On motion of Mr. Dent, Documents A, B. C, D, E, and F, accompanying Report of Commissioners for the establishment and erection of a State Reform School, were taken from the table and referred to Committee on Public Morals.

Mr. Leet offered the following resolution:

Resolved, That the Controller of State be, and he is hereby, directed to draw his warrant in favor of-

James Anderson, for	222	00
Total	\$666	00

For services on State Prison Committee during the year one thousand eight hundred and fifty-nine, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Watkins introduced the following resolution:

Resolved, That the Committee on Claims be authorized to employ a Clerk at a compensation of eight dollars per day, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Sharp offered the following resolution:

Resolved, That the Committee on Public Expenditures be, and they are hereby, authorized to employ a Clerk at a price not to exceed eight dollars per day.

The question being on the passage of the resolution, the ayes and noes were demanded by Messrs. Dickinson, Lansing, and Denver, with the following result: Ayes, 15—noes, 8.

Aves-Messrs, Bradley, Crittenden, De la Guerra, Dent, Eagon, Haynes, Lansing, Leet, O'Farrell, Pico, Ryan, Sharp, Watkins, Watson, and Wheeler-15.

Noes-Messrs. Chase, Denver, Dickinson, Franklin, Logan, Parks, Quinn, and Vance-8.

Mr. Anderson declined to vote.

So the resolution was adopted.

Mr. De la Guerra offered the following resolution:

Resolved, That the Committee on Finance be allowed a Clerk at a compensation not to exceed eight dollars per day.

Adopted.

Mr. Bradley presented the account of Moses Scott, Jr., against the

State, for services rendered as Clerk of the Special Committee appointed by the Senate on the eighteenth day of March, one thousand eight hundred and fifty-nine, for the purpose of examining into the affairs of the State Prison.

Referred to Committee on Contingent Expenses.

The Chair announced the following as the Special Committee on Senate Bill, No. 22, An Act to define the Boundaries of Sutter County:

Messrs. Vance, Parks, Logan, Leet, and Kirkpatrick.

On motion of Mr. Bradley, the Forty-Fifth Standing Rule of the Sen ate was suspended, and the Secretary directed to immediately transmit to the Assembly Senate Bill, No. 21, An Act to fix the Compensation of District Attorney of Calaveras County.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, January 14, 1860.

MR. PRESIDENT:—The Assembly have this day concurred in Senate Concurrent Resolution, No. 19, Relative to installing Lieutenant-Governor Downey into office;

Also, Senate Concurrent Resolution, No. 18, Relative to granting leave of absence to Judge Sherrard, of Sutter County.

R. K. WESTON.

Assistant Clerk of Assembly.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

January 14, 1860.

Mr. President: The Assembly on yesterday adopted Assembly Concurrent Resolution, No. 16, Relative to Joint Committee on Amendments to the Constitution;

Also, Assembly concurrent Resolution, No. 17, Relative to a Daily Overland Mail:

Also, concurred in Senate Concurrent Resolution, No. 15, Relative to

the Bonds of the Pacific Express Company;
Also, Senate Concurrent Resolution, No. 16, Relative to printing the Governor's Message and public documents in Spanish and English, with amendments;

Also, Senate Concurrent Resolution, No. 17, Relative to Joint Rules of

both Houses;

Also, passed Senate Bill, No. 4, An Act concerning the office of District Attorney for San Joaquin County;

Also, Senate Bill, No. 19, An Act to extend the time for collecting the Taxes in the County of Colusa.

R. K. WESTON,

Assistant Clerk Assembly.

Senate Concurrent Resolution, No. 16, Relative to printing the Governor's Message and Public Documents in Spanish and English, was taken

The Senate refused to concur in the Assembly amendments.

Assembly Concurrent Resolution, No. 16, Relative to Joint Committee

on Amendments to the Constitution, was taken up and concurred in.
Assembly Concurrent Resolution, No. 17, Relative to a Daily Overland Mail, was taken up and concurred in.

Mr. Merritt offered the following resolution:

Resolved, That the Judiciary Committee be allowed to employ a Clerk, at a compensation of eight dollars per day, to be paid out of the Contingent Fund of the Senate. The pay of said Clerk to commence from Friday, the thirteenth instant.

Adopted.

On motion of Mr. De la Guerra, the Senate took a recess of five min-

The Senate reassembled at the appointed hour.

President pro tem. in the Chair.

Roll called.

Quorum present.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, January 14th, 1860.

Mr. President:-I am directed to inform the Senate, that the Assembly is ready to meet the Senate in Joint Convention for the purpose of inaugurating the Hon. John G. Downey as Governor.

J. M. ANDERSON,

Clerk of Assembly.

Mr. Bradley offered the following resolution:

Resolved, That a committee of three be appointed on the part of the Senate, to make arrangements for the inauguration of the Governor.

Adopted.

The Chair announced the following as such committee: Messrs. Bradley, Kirkpatrick, and Parks.

On motion of Mr. Sharp, the Senate proceeded to the Assembly Chamber for the purpose of inaugurating Governor Downey.

IN JOINT CONVENTION.

Senate roll called.

Assembly roll called.

The Convention being organized, the President announced the object of the Joint Convention to be for the purpose of receiving the resignation of Governor M. S. Latham, and the Inauguration of Lieutenant-Governor John G. Downey, in accordance with the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that the Senate and Assembly meet in Joint Convention at twelve o'clock, M., this day, in the Assembly Chamber, to accept the resignation of his Excellency Governor Latham, and install the Lieutenant-Governor into office.

Governor Latham's resignation was read, and on motion of Mr. Mer-

ritt, was accepted.

Mr. Merritt moved that a committee of two on the part of the Senate, and two on the part of the House, be appointed to invite the Hon. M. S. Latham and Lieutenant-Governor Downey, before the Joint Convention.

President pro tem. appointed on said committee on part of the Senate,

Messrs. Kirkpatrick and Bradley.

The Speaker, on the part of the House, appointed Messrs. Shelton and Lawrence.

The committee returned with Governor Latham and Lieutenant-Governor Downey.

The oath of office was administered to Governor Downey by Chief

Justice Field.

After which, Governor Downey addressed the Joint Convention as follows:

Gentlemen of the Senate and Assembly:—In entering upon the discharge of the responsible duties of the office of Chief Magistrate of the State, which have devolved upon me under the provisions of the Constitution, in consequence of the resignation of the Governor, I am painfully conscious of the want of that experience which is so necessary to a proper administration of the affairs of the Executive Department of the Government.

I should indeed he sitate to take upon myself the discharge of these duties, did I not rely with confidence upon your appreciation of the difficulties of my position, and your indulgent judgment upon my acts.

I can only give to you, gentlemen, and through you to the people of the State, the assurance, that the affairs of the government shall be administered with a rigid and just economy, and to the best of my abilities,

with a due regard to the varied interests of the State.

The general policy which I propose to pursue is plainly and admirably indicated in the Inaugural Address of Governor Latham, and I hope that I shall be able so to discharge the trusts I have this day assumed as to receive your approbation, and that of our common constituency.

The object for which the Joint Convention was assembled having been accomplished, the President announced the Joint Convention adjourned sine die, and the Senate withdrew to Senate Chamber.

IN SENATE.

President pro tem. in the Chair.

Roll called.

Absent-Messrs. Ballou, Titus, Peachy, and Phelps.

Mr. De la Guerra asked and obtained leave of absence for Mr. Peachy until Tuesday next.

Mr. Dickinson asked and obtained leave of absence for Mr. Titus, for vesterday and to-day.

On motion of Mr. Sharp, the Senate adjourned until Tuesday, January seventeenth.

Approved.

I. N. QUINN,

President, pro tem. of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

Senate Chamber, Tuesday, January 17, 1860.

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Absent-Messrs. Anderson, Phelps, and Titus.

Journal of Saturday read and approved.

Mr. Dickinson asked and obtained leave of absence, for Mr. Titus, for one day.

Mr. Parker asked and obtained leave of absence, for Mr. Phelps, for

two days.

Mr. Leet asked and obtained leave of absence, for Mr. Anderson, until

Friday next.

Mr. Sharp presented a petition from T. C. Gilman, Relative to a Debt of Contra Costa County, and praying for an act to compel said county to pay the debt.

On motion of Mr. Sharp, the reading was dispensed with, and the

petition referred to the Judiciary Committee.

REPORT

Mr. Lansing made the following report:

Mr. President:—The Special Committee appointed by the Senate beg leave to report the following Standing Rules and Orders, and ask their adoption by the Senate:

STANDING RULES AND ORDERS OF THE SENATE.

T.

The President shall call the Senate to order at the stated hour, and, if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

II.

After the reading and approving of the Journal, the order of business shall be as follows:

1. Presentation of Petitions.

2. Reports of Standing Committees.

3. Reports of Select Committees.

4. Messages from the Governor.5. Messages from the Assembly.

6. Second Reading and Commitment of Bills.7. Introduction and First Reading of Bills.

8. Motions, Resolutions, and Notices.

9. Business on the General File, and Third Reading of Bills.

10. Unfinished Business of the Preceding Day.

11. Special Orders of the Day.

12. Reports from the Committees on Eurollment and on Engrossment shall at all times be in order.

III.

Messages from the Governor, State officers, and from the Assembly, may be considered at any time.

IV.

All bills and resolutions, after the second reading, (if the same be not committed, but if committed, then upon being reported,) shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file.

All questions relating to the priority of business shall be decided without debate.

VI.

When the reading of a paper is called for, (except petitions,) and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate.

VII.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To Adjourn.

2. For a Call of the Senate.

To Lay on the Table.
 To Postpone to a Day certain.

5. To Commit.

- 6. To Amend.
- 7. To Postpone Indefinitely.

VIII.

The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

Every Senator, when he speaks, shall, standing in his place, address the President; and when he has finished, he shall sit down. No member shall speak more than twice in any one debate on the same day, and at the same stage of the bill without leave; and Senators who have once spoken, shall not again be entitled to the floor, (except for explanation,) to the exclusion of another who has not spoken.

X.

When two or more members rise at once, the President shall name the member who is to speak first.

XI.

No motion shall be debated until the same be seconded, and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any member, and read by the Secretary, before the same shall be debated. A motion may be withdrawn at any time before amendment.

Every bill shall be introduced by giving at least one day's previous notice, or by order of the Senate, on report of a Committee, unless the Senate unanimously consent.

XIII.

Every bill shall receive three readings, previous to its being passed. The President shall give notice at each, whether it be the first, second, or third; which reading shall be on different days, unless the Senate, by a two-third's vote, direct otherwise. Provided, that upon the first reading of a bill, if no objection be made, it may, without delay, be read a second time by title, and be committed, or placed on the general file. No bill shall be amended or committed until twice read.

XIV.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate, at the time the question was put, shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically. When the ayes and noes shall be taken upon any question, in pursuance of this rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

XV.

All Committees of the Senate, and all Joint Committees on the part thereof, shall be appointed by the President, or, in his absence, by the President pro tem., or, in the absence of both, by the acting President.

XVI.

The rules of the Senate shall be observed in Committee of the Wholeso far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

XVII.

When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate, by any member. If a member be called to order for words spoken, the exceptionable language shall immediately be taken down in writing.

XVIII.

No member shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made, as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood The President, or acting President of the Senate, or of less adjourned. than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of members absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of

a contempt of the Senate, and the Sergeant-at-Arms, or other person, to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent member, and for this purpose he may command the force of the county, or of any county in the State.

XIX.

When a question has been once put and decided, it shall be in order for any member voting in the majority to move for the reconsideration thereof, and such motion shall take precedence of all other questions, except a motion to adjourn; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion, upon which the vote was taken, shall have gone out of the possession of the Senate; nor after the usual message shall have been sent from the Senate announcing its decision; nor shall any motion for reconsideration be in order, unless made on the same day in which the vote was taken, or upon the next day of the actual session of the Senate thereafter; nor shall any question be reconsidered more than once.

XX.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired. After such notice has been given, it shall not be in order for any other Senator to move a reconsideration of such vote until the next day after the same was taken.

XXI.

The following Standing Committees shall be appointed:

- 1. Committee on Claims, to consist of five members.
- 2. Committee on Finance, to consist of five members.
- 3. Committee on Judiciary, to consist of seven members.
 4. Committee on Elections, to consist of five members.
- 5. Committee on Public Lands, to consist of five members.
- 6. Committee on Commerce and Navigation, to consist of five members.
- Committee on Federal Relations, to consist of five members.
 Committee on State Hospitals, to consist of five members.
- 9. Committee on Mines and Mining Interests, to consist of seven members.
- 10. Committee on State Prison and Public Buildings, to consist of seven members.
- 11. Committee on Education, to consist of five members.
- 12. Committee on State Library, to consist of three members.
- 13. Committee on Mileage, to consist of three members.
- 14. Committee on Counties and County Boundaries, to consist of five members.
- 15. Committee on Corporations, to consist of five members.
- 16. Committee on Agriculture, to consist of five members.
- 17. Committee on Public Printing, to consist of five members.
- 18. Committee on Roads and Highways, to consist of three members.
- 19. Committee on Contingent Expenses of Senate, to consist of five members.
- 20. Committee on Military affairs, to consist of five members.

- 21. Committee on Public Expenditures, to consist of five members.
- 22. Committee on Public Morals, to consist of five members.
- 23. Committee on Engrossed Bills, to consist of six members. 24. Committee on Enrolled Bills, to consist of six members.
- 25. Committee on Internal Improvements, to consist of five members.
- 26. Committee on Swamp and overflowed Lands, to consist of five members.

XXII.

When an amendment to the Constitution, or any bill requiring the concurrence of two-thirds of the Senators, is under consideration, the concurrence of two-thirds shall not be required to decide any question for amendments, or, extending to the merits, being short of the final question.

XXIII.

On a motion made and seconded to close the doors of the Senate, on the discussion of any business which may, in the opinion of the Senate, require secrecy, the President shall require all persons, except the members, Secretaries, Sergeant-at-Arms, and Door keeper of the Senate, to withdraw, and during the discussion of said motion, the doors shall remain closed, and every member and officer of the Senate shall keep secret all such matters, proceedings, and things, whereof secrecy shall be enjoined, by order of the Senate.

XXIV.

The Committee on Engrossed Bills shall examine all bills, amendments, and resolutions, before they go out of the possession of the Senate, and make report.

XXV.

When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order, viz:

- 1. The Committee of the Whole Senate.
- 2. A Standing Committee.
- 3. A Select Committee.

XXVI.

In all cases not provided for by these rules, parliamentary practice, as laid down in Jefferson's Manual, is hereby adopted.

XXVII.

The time of the meeting of the Senate, shall be eleven, A. M., of each day, (Sundays excepted.) and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting.

XXVIII.

The rooms passages, and buildings, set apart for the use of the Senate, shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the Journals, papers, bills, etc., of the Senate. He shall see that all officers of the Senate perform their respective duties. He shall have the power to appoint the necessary pages and porters of the Senate. Places may be assigned to Reporters by the President.

XXIX.

When any member is absent without the bar of the Senate, when his name is called, on the call of ayes and noes on any vote about to be taken, his vote shall not be received unless unanimously agreed to by the members present; nor shall a member be counted on a division of a vote, who is absent without the bar of the Senate without leave.

XXX.

Any rule may be suspended by a concurrence of two-thirds of the members present; and any additional rule, or amendment of a rule, may be made by giving one day's notice, and the concurrence of two-thirds of the members present.

XXXI.

All bills on a second reading, shall be considered by the Senate in the same manner as if the Senate were in Committee of the Whole, before they shall be taken up and proceeded on by the Senate, agreeably to the Standing Rules, unless otherwise ordered.

XXXII.

The final question upon the second reading of every bill or resolution originating in the Senate, and requiring three readings previous to being passed, shall be—"Shall it be engrossed and read a third time?" and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present, but it shall at all times be in order, before the final passage of any such bill or resolution, to move its commitment under special instructions, and should such commitment take place, and any amendment be reported by the committee, the said bill or resolution shall be again read a second time, and considered as in Committee of the Whole, and then the aforesaid question shall be put.

XXXIII.

The titles of bills, and such parts thereof only, as shall be affected by proposed amendments, shall be inserted in the Journals.

XXXIV.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journals as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall also be inserted in the Journal.

XXXV.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are calling, or while the ballots are counting.

XXXVI.

In case of a disturbance, or disorderly conduct in the lobbies, the President, (or Chairman of the Committee of the Whole Senate,) shall have power to order the same to be cleared.

XXXVII.

The previous question shall be in this form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the Senators present, and its effect shall be to put an end to all debate and bring the Senate to a direct vote, upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

XXXVIII.

On a previous question, there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

XXXIX.

A President pro tempore shall be elected, who shall, in the absence of the President, take the Chair, and call the Senate to order, at the hour of the meetings of the Senate, and have the same power as the President.

XL.

When the Senate is equally divided, the Secretary shall take the decision of the President. A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate, from time to time, together with all such process issued by authority thereof, as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest for each day's custody and releasement, and for traveling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his pay per diem. It shall be the duty of the Sergeant-at Arms to keep the accounts for pay and mileage of members, to prepare checks, and if required so to do, to draw the money on such checks for the members, (the same being previously signed by the President, and indorsed by the member or person to whom the check is made,) and pay over the same to the member or person entitled thereto ...

XLI.

No bill, or other matter, shall be printed without first being specially ordered by the Senate, and the Sergeant-at-Arms shall certify to the reception by the Senate of all such printed matter, and the quantity, before payment shall be made or bills audited; and maps, accompanying documents, shall not be printed under the general order to print, without the special direction of the Senate.

XLII.

Two hundred and forty (240) copies shall be printed of each document, or other matter ordered, unless the Senate specially direct a different number.

XLIII.

In filling up blanks, the least sum or number, and the shortest time, shall be first put.

XLIV.

It shall be the duty of the Doorkeeper to prohibit all persons, except Senators, members of the Assembly, officers of the two Houses, and such Reporters as have had seats assigned them by the President, from coming within the bar of the Senate, unless invited by the Senate through the President, and to arrest for contempt all persons outside of the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

XLV.

When by order of the Senate any Senate bill or resolution shall have been considered engrossed and passed, it shall be the duty of the Committee on Engrossed Bills, to cause the same to be correctly engrossed and reported to the Senate; the engrossed copy to be reported to the Assembly, and the original retained by the Senate.

On motion of Mr. Dickinson, the reading was dispensed with, and two

hundred and forty copies ordered printed.

Mr. Ballou verbally reported on Assembly Bill, No. 23, An Act to repeal "An Act Relative to the time of assessing the value of Real and Personal Property, and collecting Taxes levied thereon for State and County purposes in the Counties of Sierra and Plumas, so far as the provisions of said Act relate to the County of Plumas," and recommended the passage of the same.

On motion of Mr. Dickinson, the report of the Committee on Standing

Rules of the Senate was adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, January 17th, 1860.

Mr. President:—The Assembly, on the fourteenth instant, passed Assembly Bill, No. 36, An Act to authorize John Wilson to sell certain Lands in San Luis Obispo County, belonging to his infant son, John D. Wilson:

Also, on the same day, passed Senate Bill, No. 6, An Act to authorize the compromise, liquidation, and payment, to Fletcher M. Haight, for

legal services;

Also, on yesterday, passed Assembly Bill, No. 32, An Act to extend the

time for collecting Taxes in the County of Solano;
Also, Assembly Bill, No. 26, An Act to extend the time for collecting

Taxes in the County of Contra Costa;

Also, receded from its amendment to Senate Concurrent Resolution, No. 16, Relative to printing the Governor's Message and Public Documents in Spanish and English.

R. K. WESTON,

Assistant Clerk of Assembly.

Assembly Bill, No. 32, An Act to extend the time for collecting Taxes in the County of Solano, was taken up, read first and second times, and placed on file.

Assembly Bill, No. 26, An Act to authorize John Wilson to sell certain

Lands in San Luis Obispo County, belonging to his infant son, John D. Wilson, was read first and second times, rules further suspended, bill read a third time, and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT, January 17th, 1860.

To the Honorable the Senate of California:

I do hereby withdraw, for the present, the nominations of Charles M. Hitchcock and Charles J. Brenham, as Commissioners of the Funded Debt of the City of San Francisco, heretofore made to your Honorable Body.

JOHN G. DOWNEY,
Governor of California.

REPORT FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

The following report was received from the Superintendent of Public Instruction, which on motion of Mr. Dickinson, was referred to Committee on Finance:

To the Senate of the State of California:

I have the honor to submit herewith a report of the expenditure of the Contingent Fund of this office from January first, one thousand eight hundred and fifty-nine, to January first, one thousand eight hundred and sixty.

A. J. MOULDER,

Superintendent Public Instruction.

Expenditures of Contingent Fund by Superintendent of Fublic Instruction from January 1st to December 31st, 1859.

1859.			-
January	Postage Stamps	\$5	00
	One-quarter tun of Coal	6	00
	Johnson's large Office Map	13	00
	One quarter's Rent P. O. Box and Postage	10	13
	Two vols. Am. Encyclopedia	2	00
	Bill of Hodge & Wood for Stationery	42	50
	Services of M. F. Game as Clerk for January	100	00
February	Paid Wells, Fargo & Co. for Expressing	3	50
	Four vols. Am. Encyclopedia	4	00
	Preparing Reports	2	00
	Coal Scuttle	1	25
	Postage Stamps	12	00
	Subscription to Herald, National, Union, etc	13	37
	Wells, Fargo & Co. for Expressing	4	00
•••	Paid for Glasses	2	75
•••	Paid for State Register	3	00
•••	Paid Wells, Fargo & Co. for 100 Envelopes	9	00
• • •	American Almanac	1	50
	Services of M. F. Game in office for February	75	00
•••	Two Carpet Mats	3	50

March						
Union, Standard, etc.	MarchSi	ubscription t	to sundry journ	als. National. Herald.		
April					\$12	87
Wells, Fargo & Co. for Expressing	April					
One-fourth tun of Coal.	W	Vella Fargo	& Co. for Expre	essino		
Subscription to National.						
One quarter's Rent P. O. Box and Postage						
Office Furniture						
Candles						
One Record Book. 7 wo vols. Am. Encyclopedia. 2 00						
Two vols. Am. Encyclopedia						
Subscription to sundry Papers					_	
Services of M. F. Game in office for June						
Two pair Green Holland Shades	S	ervices of M	F Game in off	ice for Tune		
Subscription for sundry periods to Journals						
Subscription for sundry periods to Journals						
Total to June 30th, 1859				ds to Journals		
Rent Account of Sup't Public Instruction for Fiscal Year ending June 30th, 1859. Rent and care of Office during months of January, February, March, April, May, and June, 1859 \$350 00	•••	abscription r	or sundry perio	do to Journais		
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For Fiscal Year ending June 30th, 1860. 1859	1859R				0050	0.0
Rent of Office for July, August, September, October, November, and December, 1859		February	, March, April,	May, and June, 1859	\$350	00
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November, and December, 1859	1859R	ent of Office	for July, Augus	st. September, October.		
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M. F. Game, for services during July		nerk Funa of	A			
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do do Gotober 75 00	1009	. /		0 . 0		
do do October 75 00 do November 75 00 75 00 do December 75 00 75 00						
do do December						
Amount of Appropriation						
Amount of Appropriation						
Balance unexpended		uo	αo	December		
Balance unexpended					\$425	00
Balance unexpended		Amo	unt of Appropr	iation		
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for Fiscal Year ending June 30th, 1860. 1859. July One quarter's Rent P. O. Box and Postage Stamps September Rent P. O. Box to Dec. 31st and Postage Stamps Bill of Wells, Fargo & Co. for Franks, and Express-		0 / 17	7 . 77 7	Court Dublic Treatment		
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July One quarter's Rent P. O. Box and Postage Stamps \$20 00 20 00 Bill of Wells, Fargo & Co. for Franks, and Express-	1000	for His	scai Year ending	June 30th, 1800.		
September Rent P. O. Box to Dec. 31st and Postage Stamps 20 00 Bill of Wells, Fargo & Co. for Franks, and Express-			D P. O. D.	and Doots Starren	600	00
Bill of Wells, Fargo & Co. for Franks, and Express-	July	one quarter's	Kent P. U. Bo	and Postage Stamps	920	
ing packages, Laws, and Blanks	September I	kent P. U. Bo	Erung & Co. fo	n Franks and Furness	20	00
ing packages, Laws, and Dianks 50 75		on wells,	rargo & Co. 10	r Franks, and Express-	56	75
		ing packs	ages, Laws, and	Dialika	00	10

	Cash paid Wells, Fargo & Co. for Expressing Postage Stamps Cash paid Wells, Fargo & Co. for Expressing Rent of P. O. Box to March 31st, and Postage	10 13	00 00 75 34
	Total	\$144 150	
	Amount unexpended	\$5	16
1859.	Stationery, Lights, and Fuel Fund for Fiscal Year ending June 30th, 1860.		
September	Bill of Hodge & Wood for Stationery	\$62	83
November . One-fourth tun Coal and Light Wood			00
	One-half tun Coal	12	
	Candles	1	50
	Total	\$82	33

I do solemnly swear that the foregoing account of the expenditure of the Contingent Fund of the Superintendent Public Instruction is correct. ANDREW J. MOULDER,

Superintendent Public Instruction.

Sworn and subscribed before me this eleventh day of January, A. D. one thousand eight hundred and sixty.

CHARLES S. FAIRFAX,

Clerk Supreme Court.

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By DAVID T. BAGLEY, Deputy Clerk.

INTRODUCTION OF BILLS.

Mr. Clark, by leave, introduced a bill for an act entitled An Act to appropriate Money for the relief of Justus Hovey.

Read first and second times, and referred, with accompanying docu-

ments, to the Committee on Claims.

Mr. Clark, by leave, introduced a bill for an act entitled An Act making an Appropriation for deficiencies for the eleventh fiscal year ending the thirtieth day of June, one thousand eight hundred and sixty.

Read first and second times, and referred to Finance Committee.

Mr. Merritt, by leave, introduced a bill for an act entitled An Act to provide for the report and publication of the Decisions of the Supreme Court.

Read first and second times, and referred to the Judiciary Committee.
Mr. Merritt, by leave, introduced a bill for an act entitled An Act
for the relief of Joshua D. Crippen, Sheriff of Mariposa County.

Read first and second times, and referred to the Finance Committee.

Mr. Parks, by leave, introduced a bill for an act entitled An Act for
the protection of the Homestead of Families.

Read first and second times, and referred to the Judiciary Committee,

and the usual number of copies ordered printed.

Mr. Redman, by leave, introduced a bill for an act entitled An Act to legalize the acts of the Mayor and Common Council of San José.

Read first and second times, rules further suspended, bill considered

engrossed, read a third time, and passed.

On motion of Mr. Redman, the Forty-Fifth Standing Rule of the Senate was suspended, and the Secretary was authorized to immediately transmit to the Assembly the bill just passed.

NOTICES OF BILLS.

Mr. Kirkpatrick gave notice, that he would, at an early day, introduce a bill appropriating certain revenues to the construction of roads in Sierra County.

Mr. McDonald gave notice, that he would, at an early day, introduce a

bill to define the boundaries of Sacramento County.

Mr. Peachy introduced a Concurrent Resolution, Relative to United States Appropriations for Surveys of Grants and Public School Lands.

Adopted.

GENERAL FILE.

Senate Bill, No 8, An Act appropriating money for the pay of Copying done for the Legislature, was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill reported back, rules suspended, bill considered engrossed, read a

third time, and passed.

On motion of Mr. Dickinson, the Forty-Fifth Standing Rule of the Senate was suspended, and the Secretary authorized to immediately transmit to the Assembly the bill just passed.

The Chair announced the following as the committee on the part of the Senate, relative to amendments to the Constitution: Messrs. Kirkpatrick,

Sharp and Watkins.

Mr. Sharp presented papers and documents relative to pay for witnesses examined by the Senate Special Investigating Committee on State Prison Affairs, appointed March eighteenth, one thousand eight hundred and fifty-nine.

Referred to the Committee on Claims.

FURTHER NOTICES OF BILLS.

Mr. Sharp gave notice, that on to-morrow he would introduce a bill for An Act to exempt from taxation certain property of the Trustees of the Masonic Hall Association of San Francisco.

Mr. Vance, by leave, introduced a bill for an act entitled Act Act to extend the time for the collection of Taxes in the County of Butte, for

the year one thousand eight hundred and fifty-nine.

Read first and second times, rules further suspended, bill considered engrossed, read a third time, and passed.

REPORT.

Mr. Denver, Chairman of Committee on Enrolled Bills, made the following report:

Mr. President:-The Committee on Enrolled Bills have examined Senate Bill, No. 4, entitled An Act concerning the office of District Attorney of San Joaquin County;

Also, Senate Bill, No. 19, entitled An Act to extend the time for col-

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lecting Taxes in the County of Colusa, and find them correctly enrolled.

A. ST. C. DENVER,

Chairman.

JANUARY 17, 1860.

Report accepted.

On motion of Mr. Dent, the reports and documents of the State Registrar, were taken from the table, and referred to the Committee on State Hospitals.

On motion of Mr. Dickinson, the Report of the Trustees of the San Francisco Orphan Asylum, was referred to the Committee on Public Ex-

penditures.

Mr. Redman, by leave, introduced a bill for an act entitled An Act for the relief of purchasers of Real Estate at sales made by Public Administrators.

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Dickinson, the Senate adjourned.

I. N. QUINN,

President pro tem. of the Senate.

Attest: J. R. BEARD, Secretary of Senate.

IN SENATE.

Senate Chamber, Wednesday, January 18th, 1860.

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Absent-Messrs. Anderson, O'Farrell, and Parks.

Journal of yesterday read and approved.

Mr. Titus asked and obtained leave of absence for Mr. Parks for one day.

Mr. Dent presented a remonstrance from the Supervisors of Contra Costa County, relative to the claim of T. C. Gilman, against the County of Contra Costa.

Which was referred to the Judiciary Committee.

REPORTS.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate Bill, No. 13, entitled An Act to authorize the Administrator of the Estate of Samuel J. Crosby, deceased, to sell and convey Real Estate, have had the same under consideration, and report the bill back, and recommend its passage.

Respectfully submitted.

MERRITT, Chairman. ī

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Placed on file.

Mr. Dent, Chairman of the Committee on Engrossment, made the following report:

Mr. PRESIDENT:-The Committee on Engrossed Bills have examined Senate Bill, No. 27, An Act to extend the time for the Collection of Taxes in the County of Butte, for the year one thousand eight hundred and

Also, Senate Concurrent Resolution, No. 16, Relative to Printing the Governor's Message and Public Documents in Spanish and English, and

find the same correctly engrossed.

DENT, Chairman.

Report accepted.

Mr. De la Guerra, Chairman of the Committee on Finance, made the following report:

Mr. PRESIDENT:-The Finance Committee, to whom was referred Senate Bill, No. 17, An Act for the Relief of A. D. Park, late County Treasurer of El Dorado County, beg leave to report the same back to the Senate, with the recommendation that it be referred to the Committee on Claims, and that this committee be discharged from the further consideration of said bill.

PABLO DE LA GUERRA,

Chairman Committee on Finance.

Accepted.

Mr. Watkins, Chairman of the Committee on Claims, made the following report:

Mr. PRESIDENT: - The Committee on Claims, to whom was referred the petition of J. W. Lockwood, beg leave to make the following report:

The above named claimant, a citizen of Nevada County, claims from the State of California the sum of five thousand dollars, for injuries sustained by him while acting as one of a posse, which was called out by the proper officers of Nevada and Placer counties, for the purpose of arresting a band of highwaymen, who had been traced to a locality near Grass Valley, in Nevada County. While in the performance of said duty he received a wound in the right arm, which has since prevented him from following his usual avocation of millwright and carpenter.

The proof is sufficient that the service was rendered, and that the claimant, in consequence of the wound received, was subjected to great expense. But your committee, while acknowledging thus much, cannot, in justice to the people of the State, recommend the payment of the claim. To do so would open a door which it would be found difficult to close so long as any money remained in the treasury, and the time of the Legislature would be consumed in the consideration of kindred claims. Your committee are therefore of the opinion that the claim should be rejected.

H. P. WATKINS, Chairman.

On motion of Mr. Lansing, the report, with the accompanying docu ments, was laid on the table.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, January 17th, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have this day signed and approved Senate Bill, No. 19, An Act to extend the time for Collecting Taxes in the County of Colusa;

Also, Senate Bill, No. 4, An Act concerning the office of the District

Attorney of San Joaquin County.

JOHN G. DOWNEY,

Governor.

Mr. Denver, Chairman of the Committee on Enrollment, made the following report:

Mr. President:—On yesterday at twelve o'clock, M., I delivered to the Governor for his approval, Senate Bill, No. 4, entitled An Act concerning the office of District Attorney of San Joaquin County;

Also, Senate Bill, No. 19, entitled An Act to extend the time for Collect-

ing Taxes in the County of Colusa.

A. ST. C. DENVER, Chairman.

Report accepted.

INTRODUCTION OF BILLS.

Mr. Merritt in the chair.

Mr. Watkins, by leave, introduced a bill for an act entitled An Act to appropriate Money to pay W. T. Barbour.

Read first and second times, and referred to the Committee on Claims. Mr. Phelps, by leave, introduced a bill for an act entitled An Act for

the Relief of the Heirs of David Morgan.

Read first and second times, and referred to the Committee on Claims. Mr. Quinn, by leave, introduced a bill for an act entitled An Act to amend, and explanatory of, "An Act to Regulate Proceedings in Civil Cases, in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and an Act amendatory thereof, approved March twenty-eighth, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Judiciary Committee. Mr. Phelps, by leave, introduced a bill for an act entitled An Act supplementary to an Act entitled "An Act granting the right of way over certain Lands of this State, in the counties of San Francisco and San Mateo," approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to San Francisco and San

Mateo Delegation.

Mr. Denver, Chairman of the Committe on Enrollment, made the following report:

Mr. President:—Your Committee on Enrolled Bills, have examined Senate Bill, No. 6, entitled An Act to authorize the Compromise, Liquida-

tion, and Payment, to Fletcher M. Haight, for Legal Services, and find the same correctly enrolled.

Report accepted.

A. ST. C. DENVER, Chairman.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, January 18th, 1860.

Mr. PRESIDENT:-The Assembly on yesterday, passed Senate Bill, No. 21, An Act to fix the Compensation of the District Attorney of Calave-

ras County;

Also, on the fourteenth inst., passed Assembly Bill, No. 8, An Act to amend an Act entitled "An Act concerning Roads and Highways, in certain Counties therein named," approved April twenty-second, one thou-

sand eight hundred and fifty-eight:

Also, on the sixteenth inst., passed Assembly Bill, No. 39, An Act authorizing the Board of Supervisors of Santa Clara County, to make an annual appropriation to the Santa Clara Valley Agricultural Society, and legalizing an appropriation heretofore made;

Also, on yesterday, adopted Assembly Concurrent Resolution, No. 20, Relative to Joint Committee on Judiciary.

R. K. WESTON.

As't Clerk of the Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 8, An Act to amend an Act entitled "An Act Concerning Roads and Highways, in certain Counties therein named," approved April twenty-second one thousand eight hundred and fifty-eightwas taken up, read first and second times, and referred to Committee on Roads and Highways;

Also, Assembly Bill, No. 39, An Act authorizing the Board of Supervisors of Santa Clara County, to make an annual appropriation to the Santa Clara Valley Agricultural Society, and legalizing an Appropriation heretofore made—was read first and second times, and referred to the Sen-

ator from Santa Clara;

Also, Assembly Concurrent Resolution, No. 20, Relative to Joint Com-

mittee on Judiciary—was read and concurred in.

Mr. Sharp gave notice that on to-morrow, or at an early day, he would introduce a bill for An Act to amend "An Act passed April twenty-second, one thousand eight hundred and fifty, concerning Forcible Entries and Unlawful Detainers."

Mr, Redman gave notice that he would at an early day, introduce a bill for An Act to amend "An Act to authorize the Counties of the State of California to become Stockholders in Railroad Companies," approved

April sixteenth, one thousand eight hundred and fifty-nine.

Mr. Ryan gave notice that he would at an early day, introduce a bill for An Act to provide for the issuance of Patents to Lands located with State School Land Warrants, and for Lands Purchased under the Act of April twenty-third, one thousand eight hundred and fifty eight.

Mr. Edgerton offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly Concurring, that John S. Wood,

County Treasurer of the County of Napa, have leave of absence from this State for the period of five months, from and after the fifth day of March, one thousand eight hundred and sixty.

GENERAL FILE.

Senate Bill, No. 23, An Act to amend an Act entitled "An Act to regulate proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one—was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Sharp, pursuant to notice, introduced a bill for An Act to Exempt

from Taxation certain Property of the Masonic Hall Association.

Read first and second times, rules further suspended, bill considered

engrossed, read a third time, and passed.

On motion of Mr. Sharp, the Forty-Fifth Standing Rule of the Senate was suspended and the Secretary authorized to immediately transmit to

the Assembly the bill just passed.

Mr. Kirkpatrick, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act concerning the Collection of Poll Taxes, License Taxes, and Foreign Miners' Licenses, in the County of Sierra," passed April thirteenth, one thousand eight hundred and fifty-eight.

Read first and second times and referred to the Finance Committee.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act fixing

the time when General Laws shall take effect.

Read first and second times and referred to the Judiciary Committee.

PETITION.

Mr. Peachy presented a petition from Nicholas de Alfaro, Relative to unpaid Bonds against the State of California.

Referred to the Committee on Claims.

On motion of Mr. Parker, the Senate adjourned.

1. N. QUINN,

President pro tem. of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

Senate Chamber, Thursday, January 19, 1860.

Senate met pursuant to adjournment.
President pro tem. in the Chair.
Roll called.
Absent—Messrs. Anderson and O'Farrell.
Journals of yesterday read and approved.

REPORTS.

Mr. De la Guerra, Chairman of the Committee on Finance, made the following report:

Mr. President:—The Committee on Finance, to whom was referred Senate Bill. No. 30, An Act for the Relief of Joshua D. Crippen, Sheriff of Mariposa County, beg leave to report the same back to the Senate, with the recommendation that it be referred to the Committee on Claims, and that this committee be discharged from the further consideration of said bill.

PABLO DE LA GUERRA,

Chairman.

Report accepted.

Mr. Denver, Chairman of Committee on Enrolled Bills, made the following report:

Mr. President:—On yesterday, at half past twelve o'clock, A. M., I delivered to the Governor, for his approval, Senate Bill, No. 6, entitled An Act to authorize the Compromise, Liquidation, and Payment, to Fletcher M. Haight, for Legal Services.

A. St. C. DENVER, Chairman.

Report accepted.

Mr. Redman made the following report:

Mr. President:—The Senator from the Fourth Senatorial District, to whom was referred Assembly Bill, No. 39, An Act authorizing the Board of Supervisors of Santa Clara County to make an Annual Appropriation to the Santa Clara Valley Agricultural Society, and legalizing an Appropriation heretofore made, has had the same under advisement, and reports the same back, with the following amendments, and recommends its passage as amended:

Amend section first so as to read as follows:

Section 1. The Board of Supervisors of Santa Clara County may, at their discretion, appropriate annually a sum not to exceed five hundred dollars to the Santa Clara Valley Agricultural Society; and the Board of Supervisors of Alameda County may make an annual appropriation of a sum, not to exceed five hundred dollars, to the Alameda County Agricultural Society, and order said sums to be paid out of the General Fund.

Amend section second by striking out the word "said," after the word "to," in the second line, and insert the words "the Santa Clara Valley

Agricultural."

Amend the title so as to read as follows:

An Act to authorize the Boards of Supervisors of Alameda and Santa Clara counties to make Appropriations to Agricultural Societies and to legalize an appropriation heretofore made.

Placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, January 18, 1860.

Mr. President:—The Assembly on yesterday passed Senate Bill, No. 24, An Act to legalize the acts of the Mayor and Common Council of San José;

Also, Senate Bill, No. 27, An Act to extend the time for the Collection of Taxes in the County of Butte for the year one thousand eight hun-

dred and fifty-nine;

Also, Senate Bill, No. 16, An Act to extend an Act entitled "An Act amendatory of, and supplementary to, 'An Act concerning Estray Animals." passed April nineteenth, one thousand eight hundred and fifty-six, approved March twenty-eighth, one thousand eight hundred and fiftynine;

Also, Senate Concurrent Resolution, No. 20, Relative to the Land Claims of California, and asking an appropriation from the United States

Government for the same;

Also, Assembly Bill, No. 29, An Act to amend an Act entitled "An Act amendatory of an Act entitled 'An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County," passed April twenty-seventh, one thousand eight hundred and fifty-five, approved April third, one thousand eight hundred and fifty-six;

Also, on the seventeenth instant, adopted Senate Concurrent Resolution, No. 19, Relative to Printing the Governor's Message in German.

R. K. WESTON,

Assistant Clerk Assembly.

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CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 29, An Act to amend an Act entitled "An Act amendatory of an Act entitled 'An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County," passed April twenty-seventh, one thousand eight hundred and fifty-five, approved April third, one thousand eight hundred and fifty-six-was taken up, read first and second times and referred to the Judiciary Committee.

Mr. Dent offered the following concurrent resolution:

Resolved, By the Senate, the Assembly concurring, that the Secretary of State be authorized to contract with a suitable person for the translation into the Spanish language, at a price not to exceed one dollar per folio, the Annual Message of the Governor, and such other documents as were ordered printed in said language by the Joint Committee on Printing, and that the same be paid for pro rata out of the Contingent Fund of the Senate and Assembly.

Mr. Phelps moved to strike out one dollar and insert thirty cents. Pending which, Mr. Merritt moved to refer the resolution to the Com-

mittee on Translation, which was carried.

Assembly Concurrent Resolution, No. 19, relative to printing the Governor's Message in German, was taken up, and amended by Mr. Clark, by inserting thirty cents in place of twency-five cents.

On the adoption of the resolution the ayes and noes were demanded by Messrs. Phelps, Titus, and Lansing, with the following result: ayes, 20-noes, 9:

Ayes-Messrs. Bradley, Clark, Chase, Crittenden, Edgerton, Franklin, Haynes, Kirkpatrick, Lansing, Leet, Logan, Merritt, Parks, Peachy, Quinn, Redman, Ryan, Sharp, Vance, and Watkins-20.

Noes-Messrs. Ballou, Dent, Denver, Dickenson, Eagon, McDonald,

Parker, Phelps, and Titus-9.

So the resolution was concurred in as amended. Mr. Dickenson in the Chair.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department, Sucramento, January 19, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that on yesterday I approved Senate Bill, No. 6, An Act to authorize the Compromise, Liquidation, and Payment, to Fletcher M. Haight, for Legal Services.

Very respectfully, etc., JOHN G. DOWNEY,

Governor.

FURTHER MESSAGE FROM THE GOVERNOR.

State of California, Executive Department, Sacramento, January 19, 1860.

To the Honorable the Senate of California:

I hereby nominate and appoint William G. Ross, of Los Angeles, Gager of Wines and Liquors, vice John E. Addison, whose term of office will expire on May twenty-fifth, one thousand eight hundred and sixty.

This appointment to take effect on the expiration of the term of office

of the present incumbent;

Also, I nominate and appoint Charles M. Hitchcock, Commissioner of the Funded Debt of the city of San Francisco, and respectfully request your confirmation of the same.

> JOHN G. DOWNEY, Governor.

On motion of Mr. Merritt the Senate went into executive session for the purpose of considering the above message.

On motion of Mr. Parker the doors of the Senate Chamber were closed,

and the Senate went into secret session.

The question being on the confirmation of Wm. G. Ross, as State Gager, the roll was called with the following result: ayes, 30—noes, none:

AYES—Messrs. Bradley, Clark, Chase, Crittenden, De la Guerra, Dent' Denver, Dickenson, Eagon, Edgerton, Franklin, Haynes, Kirkpatrick' Lansing, Leet, Logan, McDonald, Merritt, Parks, Peachy, Pico, Quinn' Redman, Ryan, Sharp, Titus, Vance, Watkins, Watson, and Wheeler—30-Messrs. Ballou, Parker, and Phelps, declined to vote.

So the appointment was confirmed.

The question being on the confirmation of Charles M. Hitchcock, Mr. Phelps moved to make that part of the message relative to said confirmation the special order of the day for Tuesday, February second, at twelve o'clock, M.

The ayes and noes were demanded by Messrs. Merritt, Bradley, and

Lansing, with the following result: ayes, 25-noes, 8:

AYES—Messrs. Ballou, Clark, Chase, Crittenden, De la Guerra, Dent, Denver, Dickinson, Eagon, Edgerton, Haynes, Kirkpatrick, Lansing, Leet, McDonald, Parker, Phelps, Pico, Quinn, Redman, Ryan, Sharp, Titus, Vance, and Wheeler—25.

Noes-Messrs. Bradley, Franklin, Logan, Merritt, Parks, Peachy, Watkins, and Watson-8.

So the motion to make the message the special order of the day was adopted.

Doors opened.

On motion of Mr. Parker, the injunction of secresy was removed.

Mr. Sharp, by leave, introduced a bill for An Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act concerning the Courts of Justice of this State, and Judicial Officers,'" passed May nineteenth, one thousand eight hundred and fifty-three.

Read first and second times, and referred to the Judiciary Committee.

Mr. Lansing made the following report:

Mr. President:—Your Committee on Contingent Expenses, to whom was referred the account of Moses Scott, Jr., for services as Clerk of the Special State Prison Committee, from the twentieth day of April to the twenty-ninth day of May, one thousand eight hundred and fifty-nine, report that they have examined the same, and recommend the payment thereof out of the Contingent Fund of the Senate, and further recommend the adoption of the following resolution.

C. J. LANSING, Chairman.

Accepted.

Resolved, That Moses Scott, Jr., be, and he is hereby, allowed the sum of two hundred and thirty-one dollars and twenty-five cents, for services as Clerk to the State Prison Special Committee, payable out of the Contingent Fund of the Senate, and the Controller of State is hereby authorized to draw his warrant for the same.

The resolution was adopted.

Mr. Titus, by leave, introduced a bill for an act entitled An Act authorizing the Board of Supervisors of El Dorado County to levy a Bridge Toll at Brockliss, on the Sacramento and El Dorado Wagon Road over the Sierra Nevada.

Read first and second times, and referred to the Sacramento and El

Dorado delegations.

Mr. Logan offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives requested, to use all means in their power to procure the establishment of a Weekly Mail Route between Tehama, in Tehama County, and Ukiah, in Mendocino County, the location of Post Offices at Nome Lackee and Mountain House, in Tehama County, and Nome Cult, in Mendocino County, and that the Governor be requested to forward a copy of this resolution to our Senators and Representatives in Congress.

Adopted.

GENERAL FILE.

Senate Bill, No. 13, An Act to authorize the Administrator of the Estate of Samuel J. Crosby, deceased, to Sell and Convey Real Estate—was taken up, and considered as in Committee of the Whole.

IN SENATE.

Reported back, bill ordered engrossed, and read a third time. Mr. Watson offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that a committee of two from each House be appointed to select a suitable person as German Translator.

The resolution was adopted. Mr. Denver moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Parker, Bradley, and Merritt, with the following result: ayes, 12—noes, 16:

AYES—Messrs. Chase, Crittenden, De la Guerra, Dent, Denver, Dickinson, Eagon, Lansing, McDonald, Quinn, Redman, and Wheeler—12.

Noes-Messrs. Bradley, Edgerton, Franklin, Hayes, Kirkpatrick, Leet, Logan, Merritt, Parker, Peachy, Pico, Ryan, Titus, Vance, Watkins, and Watson-16.

So the Senate refused to adjourn.

Mr. Bradley offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives be requested, to use all means in their power to procure the establishment of a Tri-Weekly Mail Route between Murphy's, in Calaveras County, California, and Genoa, in Utah Territory, via the Big Tree Grove, on what is known as the Big Tree and Carson Valley Road.

Adopted.

On motion of Mr. Dent, the Senate adjourned.

I. N. QUINI

President pro tem. of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Friday, January 20th, 1860.

Senate met pursuant to adjournment. Roll called. Absent—Messrs. Anderson and O'Farrell. President pro tem. in the Chair. Journal of yesterday read and approved.

PETITION.

Mr. Lansing presented a petition from the citizens of Grass Valley, Nevada County, asking for a law Relative to closing places of business on Sundays.

Referred to the Committee on Public Morals.

REPORTS.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:-The Judiciary Committee, to whom was referred Assembly Bill, No. 29, entitled An Act to amend an Act entitled "An Act amendatory of an Act entitled 'An Act to provide for the disposal of Lots in the Towns and Villages, on the Public Lands in Humboldt County," passed April twenty-seventh, one thousand eight hundred and fifty-five, approved April third, one thousand eight hundred and fifty-six, have had the same under consideration, and report the bill back and recommend its passage.

MERRITT. Chairman.

Placed on file.

Mr. Denver, Chairman of the Committee on Enrollment, made the following report:

Mr. President:-Your Committee on Enrolled Bills, have examined and find correctly enrolled Senate Bill, No. 21, entitled An Act to fix the Compensation of the District Attorney of Calaveras County;

Also, Senate Bill, No. 24, entitled An Act to legalize the acts of the

Mayor and Common Council of San José;

Also, Senate Bill, No. 27, entitled An Act to extend the time for the Collection of Taxes in the County of Butte, for the year one thousand eight hundred and fifty-nine;

Also, Senate Concurrent Resolution, No. 8, Relative to Survey of East-

ern Boundary Line of California;

Also, Senate Concurrent Resolution, No. 4, Relative to instructing our Senators, and requesting our Representatives in Congress, to use their influence for the passage of an Act creating Boundaries for a new Territory in Western Utah;

Also, Senate Concurrent Resolution, No. 11, Relative to leave of ab-

sence for Hon. Charles Fernald:

Also, Senate Concurrent Resolution, No. 18, Relative to granting leave

of absence to Judge Sherrard of Sutter County;

Also, Senate Concurrent Resolution, No. 20, Relative to the Land Claims of California, and asking an appropriation from the United States Government for the same.

A. ST. C. DENVER,

Chairman.

Accepted.

Mr. Merritt in the chair.

Mr. De la Guerra, Chairman of the Committee on Finance, made the following report:

Mr. President:—The Finance Committee, to whom was referred Senate Bill, No. 34, An Act to amend an Act entitled "An Act concerning the Collection of Poll Taxes, License Taxes, and Foreign Miners' Licenses, in the County of Sierra," passed April thirteenth, one thousand eight hundred and fifty-eight, have had the same under consideration, and report it back to the Senate, recommending its passage.

PABLO DE LA GUERRA,

Chairman.

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Mr. Watkins, from Special Committee on Translation, made the following report:

Mr. President:—Your Special Committee on Translation of the Laws, having duly considered Senate Concurrent Resolution, authorizing the Secretary of State to contract for the Translation of the Message and other documents; therefore, we beg leave to report the same back with the following amendment:

Strike out the words "one dollar," and insert "seventy-five cents," and

we recommend its passage as amended.

H. P. WATKINS,

From Committee.

Report accepted and placed on file.

INTRODUCTION OF BILLS.

Mr. Redman, by leave, introduced a bill for an act entitled An Act for the Permanent Location of the Seat of Government at the City of Oakland.

Read first and second times, and referred to a select committee of five.

Mr. Ballou, by leave, introduced a bill for an act entitled An Act to
provide for the disposal of the Sixteenth and Thirty-Sixth Sections of Land
donated to the State for School Purposes by Act of Congress, passed March
third, one thousand eight hundred and fifty-three, and to appropriate the
proceeds of the sales thereof to the credit of the General School Fund.

Read first and second times, and referred to Committee on Education.

Mr. Kirkpatrick, by leave, introduced a bill for an act entitled An Act
to provide Revenue for the Support of the Government of this State.

Read first and second times, and referred to Finance Committee.

On motion of Mr. Kirkpatrick, the Finance Committee was increased by adding three more to it, for the special purpose of considering the bill just introduced.

On motion of Mr. Denver, double the usual number of copies were

ordered printed.

The Chair announced the following as the Select Committee, to take into consideration the bill introduced by Mr. Redman, Relative to moving the Capital to Oakland, consisting of Messrs. Redman, Kirkpatrick, Sharp, Wheeler, and Titus.

On motion of Mr. Ballou, the usual number of copies were ordered

printed of the bills introduced by him, relative to School Lands.

Mr. Redman, for and at the request of Mr. Merritt, by leave, introduced a bill for an act entitled An Act to amend "An Act relative to Escheated Estates," approved April nineteenth, one thousand eight hundred and fifty-six.

Read first and second times, and referred to the Judiciary Committee. The President here announced the following additional members to the Finance Committee, in accordance with the motion of Mr. Kirkpatrick, for the purpose of considering the bill introduced by him, to provide revenue for the support of the government of this State, consisting of Messrs. Kirkpatrick, Leet, and Bradley.

The President announced as the committee on part of the Senate, Messrs. Watson and Peachy, in accordance with Senate Concurrent Resolution, No. 19, Relative to Printing the Governor's Message in the Ger-

man language.

RESOLUTIONS.

Mr. Peachy offered the following Concurrent Resolution:

Whereas, The interests of the people of the State of California imperatively require that the mail communication, whether overland, or by ocean, between the Pacific Coast and the Atlantic States of the Union, be carried on with safety, speed, and unfailing regularity; And, whereas, since the first of October, one thousand eight hundred and fifty-nine, the mail service by the ocean has been attended with ruinous delays, and with repeated and vexatious irregularities; therefore,

Resolved, By the Senate, the Assembly concurring, that our Representatives in Congress be requested, and our Senators instructed, to use their influence with the United States Postmaster-General to have all future contracts for the transmission of the Ocean Mails, if such should be made, awarded to a company able and willing to perform said service, with as much promptness and regularity as were exhibited in the performance of that service prior to the first of October, one thousand eight hundred and fifty-nine.

The resolution was adopted. By Mr. Bradley offered the following resolution:

Resolved, By the Senate, that from and after Monday, the twenty-third day of January instant, the Secretary of the Senate be required to read the proceedings of the previous day from the Journals, instead of from manuscript, as at present.

On motion of Mr. Clark, the resolution was laid on the table. Mr. Ryan offered the following resolution:

Resolved. That the Secretary of the Senate be authorized to employ one Printer's Clerk, and one Assistant Minute Clerk, at a per diem of eight dollars per day each, payable out of the Contingent Fund of the Senate.

The question being on the passage of the resolution, the ayes and noes were demanded by Messrs. Dickinson, Redman, and Lansing, with the following result: ayes, 13—noes, 17:

AYES—Messrs. Bradley, De la Guerra, Denver, Eagon, Lansing, McDonald, Peachy, Pico, Ryan, Sharp, Watkins, Watson, and Wheeler—13. Noes—Messrs. Ballou, Clark, Chase, Dent, Dickinson, Edgerton, Franklin, Haynes, Kirkpatrick, Leet, Logan, Merritt, Parker, Parks, Redman, Titus, and Vance—17.

So the resolution was lost.

Mr. Leet gave notice, that he would, on to-morrow, move to amend the Standing Rules of the Senate, by adding as Rule Forty-Six the following:

RULE XLVI.

When nominations shall be sent by the Governor to the Senate for their confirmation, a future day shall be assigned for taking them under consideration, unless the Senate shall unanimously direct otherwise.

GENERAL FILE.

Assembly Bill, No. 39, An Act authorizing the Board of Supervisors of Santa Clara County to make an Annual Appropriation to the Santa Clara Valley Agricultural Society, and legalizing an Appropriation heretofore made—was taken from file, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments of the committee concurred in, bill read a third time and passed.

On motion of Mr. Watkins, the Senate proceeded to the election of President and President pro tem. of the Senate.

FOR PRESIDENT.

Mr. Dent nominated Mr. Quinn for President of the Senate.

Mr. Phelps nominated Mr. Parker.

Nominations being closed, the roll was called, with the following result: Quinn, 26—Parker, 1:

Names.	Quinn.	Parker.
Bradley Ballou Clark Chase De la Guerra Dent Denver Eagon Edgerton	1 1 1 1 1 1 1 1	
Franklin Haynes Kirkpatrick Logan McDonald Merritt Parks Peachy Phelps	1 1 1 1 1 1 1	1
Pico Redman Ryan Sharp Titus Vance Watkins Watson Wheeler	1 1 1 1 1 1 1	
Totals	26	1

Mr. Parker declined to vote.

Mr. Quinn having received a majority of all the votes cast, was duly declared elected President of the Senate.

FOR PRESIDENT, PRO TEM.

Mr. Parker nominated C. J. Lansing for President, pro tem. of the Senate.

Mr. Ballou nominated Mr. Clark.

Nominations being closed, the roll was called, with the following result: Lansing, 27—Clark 1.

Names.	Lansing.	Clark.
Bradley	1	
Ballou		1
Clark	1	
Chase	1	
Crittenden	1	
De la Guerra	1	
Dent	1	
Denver	1	
Eagon	1	
Edgerton	1	
Franklin	1	
Haynes	1	
Kirkpatrick	1	
Leet	1	
Logan	1	
McDonald	1	
Merritt	1	
Parker	1	
Parks	1	
Peachy	1	
Phelps	1	
Pico	1	
Redman	1	
Ryan	î	
Titus	1	
Vance	î	
Watson	î	
Wheeler	1	
11 7700707 0010000		
Totals	27	1

Mr. Lansing, having received a majority of all the votes cast, was de-

clared duly elected President pro tem. of the Senate.

Mr. Watson, by leave, introduced a bill for an act entitled An Act to authorize the Board of Supervisors of Santa Clara County to issue a License for a Toll-Bridge across the Pajaro River at Mal Paso, on the line between the counties of Santa Clara and Monterey.

Read first and second times and referred to the Committee on Roads

and Highways.

REPORTS.

Mr. Denver, Chairman Committee on Enrolled Bills, made the following report:

MR. PRESIDENT :- Your Committee on Enrolled Bills have examined and find correctly enrolled, Senate Bill, No. 16, entitled An Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act concerning Estray Animals," passed April nineteenth, one thousand eight hundred and fifty-six, approved March twenty-eighth, one thousand eight hundred and fifty-nine.

A. ST. C. DENVER,

Chairman.

Report accepted.

Mr. Dent, Chairman Committee on Engrossment, made the following report:

Mr. PRESIDENT:-The Committee on Engrossed Bills bave examined Senate Bill, No. 13, An Act to authorize the Administrator of Samuel J. Crosby, deceased, to sell and convey Real Estate, and find the same correctly engrossed.

> DENT, Chairman.

Report accepted and bill placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

January 20, 1860.

Mr. PRESIDENT:-The Assembly on the seventeenth instant passed Assembly Bill, No. 54, An Act to extend the time for the Collection of State and County Taxes in the County of Sonoma;

Also, Assembly Bill, No. 43, An Act to authorize the Shasta and Yreka

Turnpike Company to file certain papers, nunc pro tunc; Also, Assembly Bill, No. 33, An Act to extend the time for the Tax Collector of Sutter County to collect the Taxes in said County and make his final settlement with the Auditor;

Also, on the eighteenth instant, passed Assembly Bill, No. 21, An Act to amend an Act entitled "An Act to create the County of Merced, to define its Boundaries, and to provide for its Organization," approved April nineteenth, one thousand eight hundred and fifty-five;
Also, Assembly Bill, No. 60, An Act to extend the time to the Tax Col-

lector of the County of Napa to collect the Taxes in said County and

make the final settlement with the Auditor;

Also, on yesterday adopted Assembly Concurrent Resolution, No. 25,

Relative to the Joint Committee on the Constitution;

Also, substitute for Assembly Concurrent Resolution, No. 15, Relative to the State Prison.

> R. K. WESTON, Ass't Clerk Assembly.

Assembly Bill, No. 54, An Act to extend the time for the Collection of 12sen

State and County Taxes in the County of Sonoma-was taken up, read

first and second times, and referred to the Sonoma Delegation.

Assembly Bill, No. 43, An Act to authorize the Shasta and Yreka Turnpike Company to file certain papers, nunc pro tunc—was read first and second times and referred to the delegations from Siskiyou and Shasta counties.

Assembly Bill, No. 33, An Act to extend the time for the Tax Collector of Sutter County to collect the Taxes in said County, and make his final settlement with the Auditor—was taken up, read first and second times, and considered in Committee of the Whole.

IN SENATE.

Reported back, bill read a third time, and passed.

Assembly Bill, No. 21, An Act to amend an Act entitled "An Act to create the County of Merced, to define its Boundaries, and to provide for its Organization," approved April nineteenth, one thousand eight hundred and fifty-five—was read first and second times, and referred to the dele-

gation from Mariposa and Merced.

Assembly Bill, No. 60, An Act to extend the time for the Tax Collector of the County of Napa to Collect the Taxes in said County and make his final Settlement with the Auditor—was read first and second times, considered in Committee of the Whole, and reported back without amendment.

IN SENATE.

Bill reported back, rules suspended, read third time, and passed.

Assembly Concurrent Resolution, No. 25, Relative to Joint Committee

on the Constitution-was taken up and concurred in.

Assembly Concurrent Resolution, No. 15, Relative to appointment of Joint Committee to Investigate the State Prison management—was taken up and concurred in.

Mr. Denver offered the following resolution.

Resolved, That a committee of three be appointed by the President to wait upon Hon. I. N. Quinn, and Hon. C. J. Lansing, and inform them of their election as Presidest and President pro tem. of the Senate, and that the Senate is now ready to hear their inaugural addresses.

Mr. McDonald moved to amend by adding that Judge McKune be requested to administer the oath of office, which was carried, and the resolution or amended was adented

lution as amended was adopted.

The Chair announced the following as the committee of three to wait upon Messrs. Quinn and Lansing, and inform them of their election: Messrs. Denver, McDonald, and Kirkpatrick.

Mr. Leet asked and obtained leave of absence for Mr. Anderson for one

day.

On motion of Mr. Parker the Senate took a recess for five minutes.

Senate reassembled at the appointed hour.

Roll called.

Quorum present.

The committee returned with Mcssrs. Quinn and Lansing, who were sworn into their respective offices by the Hon. J. H. McKune, Judge of Sixth Judicial District.

The President was conducted to the chair, when he delivered the fol-

lowing address:

Senators:—You have this day elected me President of the Senate, in consequence of the vacancy occurring in the office by the promotion of Lieutenant-Governor Downey to the office of Governor of the State. Allow me to thank you sincerely for the honor you have thus conferred upon me, and also to assure you that I will faithfully, and to the best of my ability, discharge the duties of President of the Senate; that I will strictly and firmly enforce the rules you have adopted for the government of this body; and allow me also to ask your assistance, while in the discharge of my duty as President of the Senate, that it may be acceptable to you and advantageous to the people of this young and growing State.

Mr. Clark moved to adjourn.

Upon which the ayes and noes were demanded, by Messrs. Peachy, Bradley, and Lansing, with the following result: ayes, 12—noes, 19:

AYES-Messrs. Ballou, Clark, Denver, Dickinson, Franklin, Kirkpatrick,

Lansing, McDonald, Parker, Parks, Redman, and Watson-12.

Noss—Messrs. Bradley, Crittenden, De la Guerra, Dent, Eagon, Edgerton, Haynes, Leet, Logan, Merritt, Peachy, Phelps, Pico, Quinn, Ryan, Titus, Vance, Watkins, and Wheeler—19.

So the Senate refused to adjourn.

On motion of Mr. Ryan the rules were suspended, and Assembly Bill, No. 29, An Act to amend "An Act amendatory of an Act entitled 'An Act to provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County,'" passed April twenty-seventh, one thousand eight hundred and fifty-five, approved April third, one thousand eight hundred and fifty-six, was taken from the file, read third time, and passed.

On motion of Mr. Watson the Senate adjourned.

I. N. QÜINN,

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Saturday, January 21, 1860.

Senate met pursuant to adjournment.
Roll called.
Absent—Messrs. O'Farrell and Wheeler.
President in the Chair.
Journal of yesterday was read and approved.

COMMUNICATION FROM THE SURVEYOR-GENERAL.

The following communication, with accompanying documents, was received from the Surveyor-General:

SURYEYOR-GENERAL'S OFFICE, Sacramento, January 20th, 1860.

To the Honorable the Senate of California:

I herewith transmit to your Honorable Body, a statement of Expenses for my office for the past year.

Very Respectfully,

H. A. HIGLEY, Surveyor-General.

Expenditure of the Contingent Fund of the State Land Office, for the year ending December thirty-first, one thousand eight hundred and fifty-nine.

Description.		Totals.	
Expended during the half of the fiscal year ending June thirtieth, one thousand eight hundred and fifty-nine, as follows: Charges on Letters and Packages, per Express Pay of Porter Postage and Box Rent Stationery Drawing Boards, etc Standard Chain Fuel	\$23 00 25 00 42 50 30 50 22 50 25 00 36 00		
Newspapers	6 50 33 22 \$144 75	\$244 22	
For Transcript of School Land Warrant Locations from Land Office	50 00 25 00 28 00 9 38 75 10	332 23	
Amount of appropriation for the eleventh fiscal year unexpended on January first, one thousand eight hundred and sixty	\$ 367 77	\$576 45	

Expenditure of the Contingent Fund of the Surveyor-General's Office, for the year ending December thirty-first, one thousand eight hundred and fiftynine.

Description.	Amount.	Totals.	
Expended during the half of the tenth fiscal year ending June thirtieth, one thousand eight hundred and fifty-nine, as follows: Charges on Packages and Letters, per Express. Pay of Porter. For Newspapers. For Transcript of Land Sales from Stockton. For Coal. For copies of United States Township Plats. For Stationery. Expended during the half of the eleventh fiscal year, ending December thirty-first, one thousand eight hundred and fifty-nine, as follows: Postage and Box Rent. Colton's Atlas, and Johnson's Map of the U. S. Matting. Newspapers Ice, etc.	107 00 7 50	\$302 20 138 87	
Total for the year		\$441 07	
Balance of appropriation for the eleventh fiscal year unexpended	\$161 1 3		

H. A. HIGLEY, Surveyor-General.

Subscribed and sworn to before me, this twentieth day of January, one thousand eight hundred and sixty.

E. E. EYRE, Notary Public.

Mr. Dickinson, moved to refer the accounts to the Committee on Finance.

Lost.

On motion of Mr. Clark, the accounts were referred to Committee on Public Expenditures.

REPORTS.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate Bill, No. 38, entitled An Act fixing the time when General Laws shall

take effect, have had the same under consideration, and report the bill back amended, and recommend its passage as amended.

Amend by adding the following section:

SECTION 2. All acts or parts of acts, conflicting with the provisions of

this act, are hereby repealed.

Also, Senate Bill, No. 40, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three, have had the same under advisement, and is herewith reported back, and its passage recommended.

Respectfully submitted,

MERRITT. Chairman.

Placed on file.

Mr. Watkins, Chairman of the Committee on Claims, made the following report:

Mr. President:—The Committee on Claims, to whom was referred Senate Bill, No. 7, An Act to authorize the Secretary of State, to cause the issuance of duplicates, for certain lost State Bonds, having had the same under consideration, beg leave to report it back, and recommend its passage.

H. P. WATKINS, Chairman.

Placed on file.

FURTHER REPORT FROM THE COMMITTEE ON CLAIMS.

Mr. President:-The Committee on Claims, to whom was referred Senate Bill, No. 17, An Act for the relief of A. D. Park, late County Treasurer of El Dorado County, beg leave to report the same back with an amendment, and recommend its passage as amended.

H. P. WATKINS,

Chairman.

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Mr. De la Guerra, Chairman of the Committee on Finance, made the following report:

Mr. President: -- The Finance Committee, to whom was referred Senate Bill, No. 29, An Act making an appropriation for Deficiences for the Eleventh Fiscal Year, ending the thirtieth day of June, one thousand eight hundred and sixty, have had the same under consideration, and report it back, recommending its passage.

PABLO DE LA GUERRA,

Chairman.

Placed on file.

FURTHER REPORT FROM COMMITTEE ON CLAIMS.

The Committee on Claims, to whom was referred the bill of William T. Barbour, for back salary as District Judge of the Tenth Judicial District, having had the same under consideration, beg leave to report and recommend the passage thereof.

The committee beg leave to submit the following facts and reasons in

support of their recommendation:

William T. Barbour was elected Judge of the Tenth Judicial District in

September, one thousand eight hundred and fifty-one, and immediately entered upon the discharge of the duties of his office, and continued to discharge such duties until the first day of January, one thousand eight hundred and fifty-nine. At the time of his election his salary was fixed by law at seven thousand five hundred dollars per annum. The Constitution (Article VI, section fifteen) provides "that the Justices of the Supreme Court and Judges of the District Courts shall severally, at stated times, during their continuance in office, receive for their services a compensation, paid out of the treasury, which shall not be increased or diminished during the term for which they shall have been elected."

In the year one thousand eight hundred and fifty-two the Legislature reduced the salary to six thousand dollars per annum. It is clear that under the Constitution this act would not affect the salary of Judge Barbour, as fixed by law at the time of his election. During the term for which he was elected, and the time he served as District Judge, he drew from the public treasury the aggregate sum of thirty-seven thousand eight hundred and fifty-five dollars. He was entitled, under the law, to the sum of forty-six thousand five hundred and fifty-seven dollars. This bill provides for the balance due him for back salary, which he had not drawn. The sum for which he was elected in one thousand eight hundred and fifty-one is not now a question; the point has been expressly decided by the Supreme Court in two cases—that of Brodie v. Weller and of Burbank v. Hager. If, then, when Judge Barbour was elected in one thousand eight hundred and fifty-one, it was for the period of six years, or until his successor was elected and qualified, then he was certainly entitled to the salary secured to him by the law and the Constitu-

Your committee beg leave further to report that, since the adjournment of the last session of the Legislature, the Controller of State caused a suit to be instituted in the name of The State v. William T. Barbour, to recover the sum of two hundred and ninety-three dollars, which sum, it was alleged, had been retained by the said Barbour for court fees which had been paid him by the Clerk of Yuba County and for which he had not accounted. To this suit the said Barbour defended, and plead a counter claim for the back salary due him, and on the trial he recovered judgment in the District Court for Yuba County, against the State, for the sum of eight thousand seven hundred and two dollars, which sum, the court decides, is the balance due him by the State.

This claim of Judge Barbour was submitted to the Board of Examiners, consisting of the Governor, Attorney-General, and Secretary of State, who approved the claim and recommended its payment. The opinion of the Attorney-General is referred to as a part of this report. Your committee therefore regard the claim embraced in the bill as a just and legal demand against the State, and can see no objection to the payment.

H. P. WATKINS, Chairman.

Placed on file.

Mr. Merritt made the following report:

Mr. President:—The undersigned Senator, from the Sixth Senatorial District, to whom was referred Assembly Bill, No. 21, An Act to amend an Act entitled "An Act to create the County of Merced, to define its Boundaries, and to provide for its Organization," approved April nineteenth, one thousand eight hundred and fifty-five, has had the same under

consideration and begs leave to report the same back to the Senate and recommend its passage without amendment.

Respectfully submitted.

MERRITT,

Senator Sixth District.

Accepted.

Assembly Bill, No. 21, above reported, was taken up, and, on motion of Mr. Merritt, the rules were suspended, bill read a third time, and passed.

Messrs. Haynes and Logan made the following report:

Mr. President:—We, to whom was referred Assembly Bill, No. 43, entitled An Act to authorize the Shasta and Yreka Turnpike Company to file certain papers, nunc pro tunc, report that we have examined the same and recommend its passage.

HAYNES, LOGAN,

Delegation from Siskiyou and Shasta.

Accepted.

Mr. Sharp made the following report:

Mr. President:—The delegation from the Fifth Senatorial District, to whom was referred an act entitled An Act for the Relief of D. O. Shattuck, have had the same under consideration, and have amended the same by striking out, on line tenth of section first, the words "with interest," and herewith report the same back and recommend its passage as amended.

SOL. A. SHARP,

For the Delegation.

Placed on file.

Mr. Phelps, for San Mateo and San Francisco Delegation, made the following report:

Mr. President:—The delegations from San Francisco and San Mateo, to whom was referred Senate Bill, No. 36, An Act supplementary to an Act entitled "An Act granting the Right of Way over certain Lands of this State in the counties of San Francisco and San Mateo," approved April twenty-eighth, one thousand eight hundred and fifty-eight, have had the same under consideration and report the bill back and recommend its passage with the following amendments:

In line thirty-one, between the words "now" and "rates," and insert

the word "following."

In lines thirty-one and thirty-two strike out the words "now established" and insert: "For vehicles drawn by four animals, seventy-five cents; for vehicles drawn by two animals, fifty cents; for vehicles drawn by one animal, twenty-five cents; for each animal rode or lead over the road, ten cents."

T. G. PHELPS,

For the Delegation.

Placed on file.

On motion of Mr. Phelps, the rules were suspended, and Senate Bill, No. 36, just reported, was taken up, considered in Committee of the Whole and amended.

IN SENATE.

Reported back, amendments of committee concurred in bill ordered

engrossed, and read a third time.

On motion of Mr. Logan, the rules were suspended, and Assembly Bill, No. 43, An Act to authorize the Shasta and Yreka Turnpike Company to file certain Papers nunc pro tunc—was taken from file, and considered in Committee of the Whole.

IN SENATE.

Reported back, rules suspended, bill read a third time and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, January 21st, 1860.

Mr. PRESIDENT:-The Assembly on yesterday concurred in Senate Concurrent Resolution, No. 22, Relative to a Weekly Mail between Nome Lackee, in Tehama County, and Mendocino County;
Also, Senate Concurrent Resolution, No. 25, Relative to a Mail Route

from Calaveras County to Utah Territory;

Also, adopted Assembly Concurrent Resolution, No. 21, Relative to

Printing Documents in relation to the Division of the State;

Also, Assembly Concurrent Resolution, No. 23, in relation to Printing in the Spanish language the reports of the Superintendent of Public Instruction and State Treasurer;

Also, Assembly Concurrent Resolution, No. 29, Relative to asking Con-

gress for the formation of a new Land District in California;

Also, Assembly Concurrent Resolution, No. 28, Relative to Pacific Railroad Convention;

Also, Assembly Concurrent Resolution, No. 26, Relative to Enrolled As-

sembly Bill, No. 26;

Also, Assembly Concurrent Resolution, No. 27, Relative to State Libra-

Also, Assembly Concurrent Resolution, No. 30, Relative to Sunday

Also, refused to concur in Senate amendment to Assembly Concurrent Resolution, No. 19, Relative to Printing the Governor's Message in German.

R. K. WESTON,

Assistant Clerk of Assembly.

Assembly Concurrent Resolution, No. 21, Relative to Printing Documents in relation to the Division of the State, was taken up and concurred in.

Assembly Concurrent Resolution, No. 23, Relative to Printing in the Spanish language the Reports of the Superintendent of Public Instruction and State Treasurer, was taken up.

On motion of Mr. De la Guerra, the words "and State Controller," was

inserted after the words "Public Instruction."

Mr. Dent moved to amend by striking out that portion which relates to State Translator.

Lost.

Mr. Anderson moved to amend by inserting "provided the translation of the same shall not exceed seventy-five cents per folio."

Carried.

Mr. Clark moved to strike out "five hundred," and insert "four hundred and eighty."

Carried.

Mr. De la Guerra offered the following amendment:

Provided, That in estimating the number of words translated and paid for, each figure or numeral shall not be counted as one word—but only each aggregate of figures, or item, or amount, shall be counted and paid for.

Adopted.

The resolution, as amended, was then concurred in.

Assembly Concurrent Resolution, No. 29, Relative to asking Congress for the formation of a new Land District in California-read and referred to the Committee on Public Lands.

Assembly Concurrent Resolution, No. 28, Relative to Pacific Railroad

Convention-read and referred to Joint Committee on Printing.

Assembly Concurrent Resolution, No. 26, Relative to Enrolled Assembly Bill, No. 26—read and referred to Committee on Enrolled Bills.

Assembly Concurrent Resolution, No. 27, Relative to State Librarian-Mr. McDonald moved to strike out the word "two" in the sixth line, and insert the word "four."

The resolution as amended was concurred in.

Assembly Concurrent Resolution, No. 30, Relative to Sunday Mails-

read and concurred in.

Assembly Concurrent Resolution, No. 19, Relative to Printing the Governor's Message in German—the Assembly refusing to concur in Senate amendment, the Senate receded from its amendment.

Mr. Merritt offered the following resolution:

Resolved, That the Clerk of the Committee on Public Expenditures be, and he is hereby, directed to act as Clerk of the Committee on Contingent Expenses also, without additional compensation.

Adopted.

Mr. Watkins moved to take from the file Senate Bill, No. 35, An Act to appropriate money to pay W. T. Barbour.

Mr. Bradley, by leave, introduced the following Concurrent Resolution: Relative to a Clerk and Sergeant-at-Arms for State Prison Committee. Mr. Merritt moved to strike out "Sergeant-at-Arms."

Pending which, on motion of Mr. Leet, the resolution was laid on the

table.

REPORT.

Mr. Phelps made the following report:

Mr. PRESIDENT :- Your Committee on Roads and Highways, to whom was referred Senate Bill, No. 44, An Act to authorize the Board of Supervisors of Santa Clara County to issue a License for a Toll-Bridge, across the Pajaro River at Mal Paso on the Line between the Counties of Santa Clara and Monterey, have had the same under consideration and report the same back with a substitute, and recommend the passage of the substitute.

T. G. PHELPS.

Chairman.

Placed on file.

Mr. Phelps moved to take the bill above referred to from the file. Lost.

INTRODUCTION OF BILLS.

Mr. Phelps, by leave, introduced a bill for an act entitled An Act to

Audit and Allow the Claim of Britton & Rey.

Read first and second times, and referred to the Committee on Claims. Mr. Peachy, by leave, introduced a bill for an act entitled An Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, to bind as Apprentices, Clerks, and Servants, Orphans and half Orphans under their care and tuition.

Read first and second times, and referred to the Judiciary Committee.

RESOLUTION.

Mr. Dickinson offered the following resolution:

Resolved, That a committee of three be appointed by the President, with power to send for persons and papers, and take evidence and report to the Senate the aggregate number of outside patriots who are anxious to do the State some service, and report also to the Senate a plan for their economical employment.

Mr. Vance moved to lay on the table.

Mr. Parker moved to refer to the Committee on Public Morals.

So the resolution was so referred.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act amendatory of an Act entitled "An Act to authorize the Treasurer of the City and County of San Francisco to Execute certain Deeds, and Cancel certain Claims," approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the San Francisco and San

Mateo Delegations.

Mr. Lansing, by leave, introduced a bill for an act entitled, An Act to appropriate Money to pay J. W. Lockwood.

Read first and second times.

Mr. Lansing moved to refer to a select committee of three.

Lost.

Mr. Leet, pursuant to notice, offered the following amendment to the

standing rules of the Senate:

Rule 46.—When nominations shall be sent by the Governor to the Senate for their confirmation, a future day shall be affixed for taking them under consideration, unless the Senate shall unanimously direct other-

Adopted.

Mr. Ryan offered the following concurrent resolution: Relative to appropriations for Mail Routes in the Northern portions of this State, etc., etc.

Adopted.

Mr. Peachy asked and obtained leave of absence for himself until Tuesday next.

Mr. Edgerton, by leave, introduced a bill for an act entitled An Act to fix the Compensation of the District Attorney of Napa County.

Read first and second times, and referred to the Judiciary Committee.

Mr. Merritt in the chair.

Mr. Franklin, by leave, introduced a bill for an act entitled An Act for the Relief of Otis Brett.

Read first and second times, and referred to the Committee on Claims. Mr. Lansing, by leave, introduced a bill for an act entitled An Act to Regulate the Transmission of News for the use of the Public Press over any line of Telegraph in this State.

Read first and second times, and referred to the Judiciary Committee.

Mr. Parks asked and obtained leave of absence for Mr. Wheeler for

one day.

Mr. McDonald, pursuant to notice, introduced a bill for an act entitled An Act to define the Boundaries of Sacramento County.

Read first and second times, and referred to the delegations from

Sutter, Placer, and Sacramento.

Mr. Redman, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act concerning Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three.

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Lansing the Senate adjourned.

C. J. LANSING,

President pro tem. of the Senate.

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Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

Senate Chamber, Monday, January 23d, 1860.

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

There being no quorum present, Mr. Phelps moved a call of the Senate. Carried.

Roll called.

Absent-Messrs. Bradley, Crittenden, Quinn, Sharp, Watkins, and Wheeler.

The Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Dickinson, further proceedings under the call were dispensed with.

Roll called.

Quorum present.

Journal of Saturday read and approved.

Mr. Redman asked and obtained leave of absence for Mr. Crittenden, for one day.

Mr. Dickinson asked and obtained leave of absence for Mr. Watkins, for two days.

Mr. Phelps asked and obtained leave of absence for Mr. Sharp, for one

Mr. Parks asked and obtained leave of absence for Mr. Wheeler, for one day.

Mr. Eagon asked and obtained leave of absence for Mr. Bradley, for one day.

Mr. Franklin asked and obtained leave of absence for Mr. Quinn, for

one day.

REPORTS.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT:-The Enrolling Committee of the two Houses, to whom was referred Assembly Concurrent Resolution, No. 26, Relative to Assembly Bill, No. 26, have examined the same, and made the proper correction in the enrolled bill.

A. ST. C. DENVER,

Chairman Senate Committee.

JOHN DAGGETT,

Chairman Assembly Committee.

Report accepted.

Mr. Parks, from Committee on Enrollment, made the following report:

Mr. President:—I have this day delivered to the Governor, for his approval, Senate Bill, No. 21, entitled An Act to fix the Compensation of the District Attorney of Calaveras County;
Also, Senate Bill, No. 24, entitled An Act to legalize the acts of the

Mayor and Common Council of San José;

Also, Senate Bill, No. 27, entitled An Act to extend the time for the Collection of Taxes in the County of Butte for the year one thousand

eight hundred and fifty-nine;

Also, Senate Bill, No. 16, An Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act concerning Estray Animals," passed April nineteenth, one thousand eight hundred and fifty-six, approved March twenty-eighth, one thousand eight hundred and fifty-nine.

W. H. PARKS,

For Committee on Enrollment.

Accepted.

Mr. O'Farrell, from the delegation of the Eleventh Senatorial District, made the following report:

SENATE CHAMBER,

January 23d, 1860.

Mr. PRESIDENT:—The delegation of the Eleventh Senatorial District, to whom was referred Assembly Bill, No. 54, an act entitled An Act to extend the time for Collecting of State and County Taxes in the County of Sonoma, report the same back to the Senate, and recommend its passage.

O'FARRELL,

Of the Delegation.

Report accepted and placed on file.

Mr. Merritt, by leave, introduced a bill for an act entitled An Act to give effect to Patents for Lands issued in the names of Deceased Persons. Read first and second times, and referred to Judiciary Committee.

Mr. Chase, by leave, introduced a bill for an act entitled An Act to repeal an Act entitled "An Act concerning Roads and Highways in the County of Nevada," approved March second, one thousand eight hundred and fifty-nine, and 'An Act explanatory and supplementary thereof."

. Read first and second times, and referred to the Nevada Delegation.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, January 23d, 1860.

Mr. President:—The Assembly, on Saturday, the twenty-first instant, concurred in Senate Concurrent Resolution, No. 21, Relative to Leave of Absence of John S. Wood, Treasurer of Napa County;

Also, on the twentieth instant, concurred in Senate Concurrent Resolu-

Also, on the twentieth instant, concurred in Senate Concurrent Resolution, No. 24, Relative to a Committee of Two on Translation in German, and have appointed on the part of the House, Messrs. Pate and White.

R. K. WESTON, Assistant Clerk of Assembly.

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Mr. Ballou, pursuant to notice, introduced a bill for an act entitled An Act to repeal an Act entitled "An Act to provide for the appointment of a Gager for the Port of San Francisco," passed May third, one thousand eight hundred and fifty-two.

Read first and second times and referred to the Committee on Public

Morals.

Mr. Logan gave notice that he would, at an early day, introduce a bill for An Act to create the office of State Geologist, define the Duties and Compensation thereof, and provide for the time and manner of Appointment.

RESOLUTION.

Mr. Dickinson offered the following resolution:

Resolved, That so much of the Governor's Annual Message and the Governor's Inaugural Address as relates to the finances, be referred to Committee on Finance; so much as relates to State Prison and Capitol, be referred to Committee on State Prison and Public Buildings; so much as relates to Hospital Fund and Insane Asylum, be referred to Committee on State Hospitals; so much as relates to Constitutional Convention, be referred to Joint Committee on Constitutional Amendments; so much as relates to Education and Schools of Reform, be referred to Committee on Education; so much as relates to Lands, be referred to Committee on Public Lands; so much as relates to Boundary Line, be referred to Committee on Federal Relations; and so much as relates to Laws and Divorces, be referred to Committee on Judiciary.

Adopted.

On motion of Mr. O'Farrell, the rules were suspended and Assembly Bill, No. 54, An Act to extend the time for the Collection of State and County Taxes in the County of Sonoma, was taken up and considered in Committee of the Whole.

IN SENATE.

Bill reported back, and, on motion of Mr. O'Farrell, was referred to the Judiciary Committee.

Mr. Merritt, by leave, introduced a bill for An Act to provide for the construction of the State Capitol in the City of Sacramento.

Read first and second times and referred to Committee on State Prison and Public Buildings.

The rules were suspended, and, on motion of Mr. Kirkpatrick, Senate

Bill, No. 34, An Act to amend an Act entitled "An Act concerning the Collection of Poll Taxes, License Taxes, and Foreign Miners' Licenses, in the County of Sierra," passed April thirteenth, one thousand eight hundred and fifty-eight, was taken up and considered in Committee of the Whole.

IN SENATE.

Bill reported back.

Mr. Eagon moved a call of the Senate.

Pending which, Mr. Phelps moved that the Senate do now adjourn. Upon which the ayes and noes were demanded by Messrs. Kirkpatrick, Redman, and Denver, with the following result: Ayes, 11-noes, 7.

Ayes-Messrs. Anderson, Clark, Chase, Dickinson, Franklin, Lansing, Logan, Merritt, O'Farrell, Phelps, and Pico-11.

Noes-Messrs. Denver, Eagon, Edgerton, Kirkpatrick, Parks, Redman,

and Titus-7.

So the Senate adjourned.

I. N. QUINN, President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

Senate Chamber, Tuesday, January 24th, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent-Messrs. Crittenden, Bradley, and Sharp.

Journal of yesterday read and approved.

Mr. Dickinson asked and obtained leave of absence for Mr. Crittenden for one day.

Mr. Eagon asked and obtained leave of absence for Mr. Bradley for

one day.

Mr. Phelps asked and obtained leave of absence for Mr. Sharp for one day.

REPORT.

Mr. Parks, from Committee on Enrollment, made the following report:

Mr. PRESIDENT:-Your Committee on Enrolled Bills have examined Senate Concurrent Resolution, No. 25, Relative to a Mail Route from Calaveras County to Utah Territory;

Also, Senate Concurrent Resolution, No. 21, Relative to leave of absence

of John S. Wood, Treasurer of Napa County;
Also, Senate Concurrent Resolution, No. 22, Relative to a Weekly Mail between Nome Lackee in Tehama County and Mendocino County, and find them correctly enrolled.

W. H. PARKS,

For the Committee.

Report accepted.

INTRODUCTION OF BILLS.

Mr. Phelps, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, approved April fifteenth, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the Judiciary Committee.
On motion of Mr. Merritt double the usual number of copies of Senate
Bill, No. 58. An Act to provide for the Construction of the State Capitol
in the City of Sacramento, was ordered printed.

REPORT.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to which was referred Assembly Bill, No. 54, entitled An Act to extend the time for the Collection of State and County Taxes in the County of Sonoma, have had the same under consideration, and report the same back to the Senate, and recommend its passage without amendment.

Respectfully submitted,

MERRITT,

Chairman.

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Report accepted and bill placed on file.

Mr. Phelps, by leave, introduced a bill for an act entitled An Act amendatory of, and supplementary to, an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee,

and the usual number of copies ordered printed.

On motion of Mr. Peachy, Mr. Pico was added to the Committee on Hospitals.

NOTICES OF BILLS.

Mr. Edgerton gave notice that on to-morrow, or an early day thereafter, he would introduce a bill for an act entitled An Act concerning Roads and Highways in certain Counties in this State;

Also, An Act to amend an Act entitled "An Act to Prohibit Gaming."
Mr. Merritt, by leave, introduced a bill for an act entitled An Act to
extend the time for the Collection of the State and County Taxes in the
County of Tulare.

Read first and second times, rules further suspended, bill considered

in Committee of the Whole.

IN SENATE.

Bill reported back, rules further suspended, considered engrossed, read a third time, and passed.

GENERAL FILE.

Senate Bill, No. 13, An Act to authorize the Administrator of the Estate of Samuel J. Crosby, Deceased, to sell and convey Real Estate—was taken up, read a third time, and passed.

Senate Bill, No. 17, An Act for the Relief of A. D. Park, late County Treasurer of El Dorado County-was considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of committee concurred in, ordered

engrossed, and read a third time.

Senate Bill, No. 7, An Act to authorize the Secretary of State to cause the issuance of Duplicates for certain lost State Bonds-was considered in Committee of the Whole.

IN SENATE

Bill reported back, ordered engrossed, and read a third time.

On motion of Mr. Dickinson, Senate Bill, No. 35, An Act to appropriate Money to pay W. T. Barbour-was made the special order for Thursday next, at twelve, M.

Senate Bill, No. 38, An Act fixing the time when General Laws shall take effect-was considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of committee concurred in, bill ordered

engrossed, and read a third time.

Senate Bill, No. 40, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three-was ordered engrossed, and read a third time.

Senate Bill, No. 29, An Act making an Appropriation for Deficiencies for the Eleventh Fiscal Year, ending the thirtieth day of June, one thousand eight hundred and sixty-was ordered engrossed and read a third

time.

Senate Bill, No. 20, an act entitled An Act for the Relief of D. O. Shattuck-was considered in Committee of the Whole and amended.

IN SENATE.

Bill reported back, amendments concurred in, bill ordered engrossed,

and read a third time.

On motion of Mr. Lansing, Senate Bill, No. 48, An Act to Appropriate Money to pay J. W. Lockwood—was made special order of the day for

Friday next at twelve, M.

On motion of Mr. Clark, Senate Concurrent Resolution, No. 27, Relative to the Secretary of State contracting for Printing and Translating the Governor's Message and accompanying documents into Spanish-was laid on the table.

REPORTS.

Mr. Watson, Chairman of the Committee on Federal Relations, made the following report:

Mr. President:—The Committee on Federal Relations, to whom was referred Senate Bill, No. 37, An Act for the Relief of the Heirs of David Morgan, herewith report the bill back to the Senate and recommend the passage of the same.

JOHN F. WATSON,

Chairman.

Report accepted and placed on file. 13sen

Mr. Titus, from Committee on Engrossed Bills, made the following report:

Mr. President:-The Committee on Engrossed Bills have examined Senate Bill, No. 36, An Act supplementary to an Act entitled "An Act granting the Right of Way over certain Lands of this State in the counties of San Francisco and San Mateo," approved April twenty-sixth, one thousand eight hundred and fifty-eight, and find the same correctly engrossed.

J. S. TITUS,

For the Committee.

Accepted.

Senate Bill, No. 44, An Act to authorize the Board of Supervisors of Santa Clara County to issue a License for a Toll-Bridge across the Pajaro River at Mal Paso, on the line between the counties of Santa Clara and Monterey-was taken up, substitute reported by the committee adopted, rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill, No. 34, An Act to amend an Act entitled "An Act concerning the Collection of Poll Taxes, License Taxes, and Foreign Miners' Licenses, in the County of Sierra," passed April thirteenth, one thousand eight hundred and fifty-eight-was taken up, ordered engrossed, and read

a third time.

On motion of Mr. Watson, the Forty-Fifth Standing Rule of the Senate was suspended and the Secretary authorized to transmit immediately to the Assembly, Senate Bill, No. 44, just passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

January 24, 1860.

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Mr. President:-The Assembly, on the eighteenth instant, passed Assembly Bill, No. 3, An Act concerning the County Records of the County of San Luis Obispo;

Also, on yesterday, passed Assembly Bill, No. 30, An Act to amend an Act entitled "An Act to provide Revenue for the support of the Government of this State," so far as relates to the counties of Santa Clara and Contra Costa.

R. K. WESTON,

Assistant Clerk Assembly.

Assembly Bill, No. 3, An Act concerning the County Recorder of the County of San Luis Obispo-was taken up, rules suspended, bill read a

third time, and passed.

Assembly Bill, No. 30, An Act to amend an Act entitled "An Act to provide Revenue for the support of the Government of this State," so far as the same relates to the counties of Contra Costa and Santa Clarawas taken up and referred to the Senators from the counties of Contra Costa and Santa Clara.

Assembly Bill, No. 54, An Act to extend the time for the Collection of State and County Taxes in the County of Sonoma-was considered in

Committee of the Whole and amended.

IN SENATE.

Bill reported back, amendments concurred in, rules further suspended, bill read a third time, and passed.

On motion of Mr. Titus, the Senate adjourned. I. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER. Wednesday, January 25th, 1860.

Senate met pursuant to adjournment.

Roll called.

Absent-Messrs. Denver, O'Farrell, and Watkins.

Journal of yesterday read and approved.

Mr. Dickinson, asked and obtained leave of absence, for Mr. O'Farrell,

Mr. Franklin, asked and obtained indefinite leave of absence, for Mr.

Mr. Sharp asked and obtained leave of absence, for Mr. Watkins, for one day.

REPORTS.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:-The Judiciary Committee, to whom was referred Senate Bill, No. 52, entitled An Act to amend an Act entitled "An Act concerning Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three, have had the same under consideration, and report the bill back with a substitute, and recommend that the substitute be adopted;

Also, Senate Bill, No. 26, entitled An Act to provide for the Report and Publication of the Decisions of the Supreme Court, is herewith reported back with a substitute, with the recommendation that the substitute be

adopted;

Also, Your committee have had under consideration, Senate Bill, No. 28, entitled An Act for the Relief of Purchasers of Real Estate, at sales

made by the Public Administrator; Also, Senate Bill, No. 42, entitled An Act to amend an Act entitled "An Act Relative to Escheated Estates," approved April nineteenth, one thou-

sand eight hundred and fifty-six;
Also, Senate Bill, No 55, entitled An Act to give effect to Patents for Lands issued in the names of Deceased Persons, and recommend their

passage;

Also, Senate Bill, No. 56, entitled An Act to regulate the transmission of news for the use of the Public Press, over any line of Telegraph in this State, is herewith reported back, with the recommendation that the same be indefinitely postponed. ed. Respectfully submitted, MERRITT,

Placed on file. Chairman. Mr. Sharp, Chairman of the Committee on Public Expenditures, made the following report:

Mr. President:—Your Committee on Public Expenditures, have examined the copying done for the Senate, in Journal and for Printer up to date, and find the same to amount to the sum of four hundred and thirty-two dollars and five cents.

SOL. A. SHARP, Chairman.

Adopted.

STATE OF CALIFORNIA,

To J. R. Beard, Secretary of Senate:

Purpose.		Folios.	Amount.			
uary 2,	3, 4, 5, 6, 7, 9,	10, 11	Proceedings, of Jan- , 12, 13, 14, 17, 18, 19,	7 001	2100	01
20, and	21st, of Janu	ary, a	t 15 cents per folio	1,331		
			er, at 10 cents per folio	1,331		
do.	Senate Bill, N	o. 5, f	for Printer	30		00
do.	do.	25,	do	25	2	50
do.	do.	43,	do	260	26	00
			do	30	3	00
do.			to Constitution	60	6	00
do. Governor's Message and Inaugural		581	58	10		
			8	208	20	80
То	tal			3,856	\$432	05

Examined, audited, and allowed.

Mr. Parks, from Committee on Enrollment, made the following report:

Mr. President:—The Enrolling Committee have examined, and found correctly enrolled, Senate Bill, No. 8, An Act Appropriating Money for copying done, and have presented the same to the Governor this day, for his approval.

W. H. PARKS,

For Committee.

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Placed on file.

Mr. Chase of the Nevada Delegation, made the following report:

Mr. President:—The Nevada Delegation, to whom was referred Senate Bill, No. 54, An Act to repeal an Act entitled "An Act concerning Roads and Highways in the County of Nevada," approved March second, one thousand eight hundred and fifty-nine, and An Act explanatory thereof, have had the same under consideration, and report it back, and recommend its passage.

S. H. CHASE, J. J. LANSING.

On motion of Mr. Chase, the bill above reported, was taken up, rules further suspended, bill considered engrossed, read a third time and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, Wednesday, January 25th, 1860.

Mr. President:—The Assembly on yesterday passed Assembly Bill, No. 10, An Act to amend "An Act to Regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 27, An Act explanatory of, and supplementary to, an Act entitled "An Act to amend an act entitled 'An Act to Regulate Fees in Office in certain Counties of this State," approved April twenty-eighth, one thousand eight hundred and fifty-seven, approved April

eighteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 40, An Act to authorize the Administratrix of the Estate of John McKenna, deceased, to sell Real Estate of deceased at

Private or Public Sale;

Also, Assembly Bill, No. 41, An Act supplemental to an Act entitled "An Act to repeal the several Acts Incorporating the City of Benicia, and to provide for the Government thereof," approved April eighteenth, one

thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 50, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to Reincorporate the City of Sonora,'" approved March ninth, one thousand eight hundred and fifty-five, approved February seventh, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 58, An Act to authorize William Green, and Michael Hayes, their associates, and assigns, to construct and keep in repair a certain Street in the City and County of San Francisco, and to

levy and collect Tolls thereon;

Also, concurred in Senate Concurrent Resolution, No. 28, Relating to

certain Mail Routes in the Northern portion of this State;

Also, Senate Concurrent Resolution, No. 26, Relative to the Mail Service, with an amendment;

Also, adopted Assembly Concurrent Resolution, No. 33, Relative to

Fireman;

Also, Assembly Concurrent Resolution, No. 34, Relative to a Daily Mail in the Northern portion of the State;

Also, refused to concur in Senate amendments to Assembly Concurrent

Resolution, No. 27, Relative to State Librarian;

Also, concurred in Senate amendments to Assembly Bill, No. 54, An Act to extend the time for the Collection of State and County Taxes in the County of Sonoma;

Also, Assembly Bill, No. 39, An Act authorizing the Board of Supervisors of Santa Clara County to make an Annual Appropriation to the Santa Clara Valley Agricultural Society, and legalizing an Appropriation heretofore made;

Also, Assembly Concurrent Resolution, 23, In relation to Printing in the Spanish language the Reports of the Superintendent of Public In-

struction and State Treasurer.

R. K. WESTON,
Assistant Clerk of Assembly.

FURTHER MESSAGE FROM ASSEMBLY.

House of Assembly,

January 25th, 1860.

Mr. President:—I am directed to inform the Senate, that the Assembly, on yesterday, passed Assembly Bill, No. 64, An Act to Appropriate Money for the expenses incurred in the Inauguration of Governor Milton S. Latham, and Lieutenant-Governor John G. Downey;

Also, Senate Bill, No. 8, An Act Appropriating Money for the pay of

Copying done for the Legislature.

J. M. ANDERSON, Clerk of Assembly.

Assembly Bill, No. 10, An Act to amend "An Act to Regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one—was read first and second times, and

referred to Judiciary Committee.

Assembly Bill, No. 27, An Act explanatory of, and supplementary to, an Act entitled "An Act to amend an Act entitled 'An Act to Regulate Fees in Office in certain Counties of this State," approved April twenty-eighth, one thousand eight hundred and fifty-seven, and approved April eighteenth, one thousand eight hundred and fifty-nine—was read first and second times, and referred to the Senator from San Joaquin.

Assembly Bill, No. 40, An Act to authorize the Administratrix of the Estate of John McKenna, Deceased, to sell Real Estate of Deceased at Private or Public Sale—was read first and second times, and referred

to the Judiciary Committee.

Assembly Bill, No, 41, An Act supplemental to an Act entitled "An Act to repeal the several Acts Incorporating the City of Benicia and to provide for the Government thereof," approved April eighteenth, one thousand eight hundred and fifty-nine—was read first and second times, and referred to the Senator from Solano.

Assembly Bill, No. 50, An Act to amend an Act, entitled "An Act supplementary to an Act entitled 'An Act to Reincorporate the City of Sonora," approved March ninth, one thousand eight hundred and fifty-five, approved February seventh, one thousand eight hundred and fifty-seven—was read first and second times, and referred to the Tuolumno Delegation.

Assembly Bill, No. 58, An Act to authorize William Green and Michael Hayes, their Associates and Assigns, to construct and keep in repair a certain Street in the City and County of San Francisco and to levy and collect Tolls thereon—was read first and second times, and referred to

the San Francisco and San Mateo delegations.

Assembly Concurrent Resolution, No. 33, Relative to Fireman-was, on

motion of Mr. Clark, laid on the table.

Assembly Concurrent Resolution, No. 31, Relative to a Daily Mail in

the Northern portion of this State-was concurred in.

On motion of Mr. Phelps the Senate refused to recede from its amendments to Assembly Concurrent Resolution, No. 27, Relative to the State Librarian.

Assembly Bill, No. 64, An Act to appropriate Money for the Expenses incurred in the Inauguration of Governor Milton S. Latham and Lieutenant-Governor J. G. Downey—was read first and second times, and referred to the Sacramento Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,) Sacramento, January 24, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have this day approved Senate Bill, No. 27, An Act to extend the time for the Collection of Taxes in the County of Butte, for the year one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 16, An Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act concerning Estray Animals," passed April nineteenth, one thousand eight hundred and fifty-six, approved March twenty-eighth, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 21, An Act to fix the Compensation of the Dis-

trict Attorney of Calaveras County;

Also, Senate Bill, No. 24, An Act to Legalize the acts of the Mayor and Common Council of San José.

JOHN G. DOWNEY.

Governor.

Mr. Dickinson, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to reduce the Salaries of Officers and Pay of Members of the Legislature."

Read first and second times and referred to the Committee on Mileage

Mr. Titus, from Committee on Engrossed Bills, made the following report:

Mr. PRESIDENT:-The Committee on Engrossed Bills have examined Senate Bill, No. 17, An Act for the Relief of A. D. Park, late Treasurer of El Dorado County;
Also, Senate Bill, No. 20, An Act for the Relief of D. O. Shattuck;

Also, Senate Bill, No. 29, An Act making an Appropriation for Deficiencies for the Eleventh Fiscal Year, ending the thirtieth day of June; one thousand eight hundred and sixty;

Also, Senate Bill, No. 40, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning the Courts of Justice of this State

and Judicial Officers:"

Also, Senate Bill, No. 59, An Act to extend the time for the Collecting of State and County Taxes in the County of Tulare, and find the same correctly engrossed.

J. S. TITUS,

For the Committee.

Accepted.

President, pro tem., in the Chair.

Mr. Anderson, by leave, introduced a bill for an act entitled An Act to compensate the Resident Director of the State Prison.

Read first and second times and placed on file.

GENERAL FILE.

Senate Bill, No. 36, An Act supplementary to an Act entitled "An Act

granting the Right of Way over certain Lands of this State in the Counties of San Francisco and San Mateo," approved April twenty eighth, one thousand eight hundred and fifty eight—was read a third time and passed,

Senate Bill, No. 40, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed. May nineteenth, one thousand eight hundred and fifty three—was read a third time and passed.

Senate Bill, No. 29, An Act making an Appropriation for Deficiencies for the Eleventh Fiscal Year, ending the thirtieth day of June, one thou mand eight hundred and sixty was read a third time and passed

Rand eight interior and sixty was read a titled time and passed

Senate Bill, No. 20, An Act for the Relief of D. O. Shattiick was read a third time and passed.

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Senate Bill, No. 17, An Act for the Rebef of A. D. Park, late County Treasurer of El Dorado County - was read a third time and passed

Senate Bill, No. 37, An Act for the Relief of the heirs of David Morgan was considered in Committee of the Whole.

IN SENATE

Bill reported back, ordered engreezed, and read a third time

Mr Dickinson in the Chair,

Senate Bill, No. 5?, An Act to amend an Act entitled "An Act concerning Courts of Justice in this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty three—was taken up, substitute adopted, ordered engressed, and read a third time

Senate Bill, No. 56, An Act to regulate the Transmission of News for the use of the Public Press, over any Line of Telegraph in this State was taken up and, on motion of Mr. Lansing, made the special order of the day for Tuesday, January thirty-first, at twelve, M.

Senate Bill, No. 26. An Act to provide for the Report and Publication of the Decisions of the Supreme Court—was considered in Committee of the Whole

IN BUNATE.

Bill reported back, substitute adopted, and, on motion of Mr Merritt, was made the special order of the day for Friday next at twelve, M

Senate Bill, No. 55, An Act to give effect to Patents for Lands issued in the names of Deceased Persons—was considered in Committee of the Whole

IN BUNATE

Bill reported back, ordered engrossed, and read a third time.

Senate Bill, No. 42, An Act to amend an Act entitled "An Act relative to Eschented Estates," approved April nineteenth, one thousand eight hundred and fifty six—was considered in Committee of the Whole

IN BLNATE

Bill reported back, and, on motion of Mr. Morritt, was laid on the table.

REPORT.

Mr Titus, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossed Bills have examined Senate Bill, No. 34, An Act to amend an Act cutifled "An Act concorn-

ing the Collection of Poll Taxes, License Taxes, and Foreign Miners' Licenses, in the County of Sierra," passed April thirteenth, one thousand eight hundred and fifty-eight, and find the same correctly engrossed.

J. S. TITUS,

For the Committee.

Accepted.

Mr. Clark, for Sacramento Delegation, made the following report:

Mr. President:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 64, An Act to appropriate Money for the Expenses incurred in the Inauguration of Governor Milton S. Latham and Lieutenant-Governor J. G. Downey, has had the same under consideration and reports the same back and recommends its passage.

The expenses incurred in the inauguration of the Governor and Lieutenant-Governor were unnecessarily large, but perhaps not larger than usually occur when ordered by a committee who are not personally res-

ponsible for payment.

The accounts are sworn to, and there seems to be no reasonable doubt that the materials were furnished and the labor performed, and should, therefore, be paid.

Accepted.

Senate Bill, No. 28, An Act for the Relief of Purchasers of Real Estate at Sales made by the Public Administrator—was considered in Committee of the Whole.

On motion of Mr. Redman, the Secretary was authorized to insert enacting clause in the bill just read.

IN SENATE.

Bill reported back, ordered engrossed, and read a third time.

Assembly Bill, No. 64, An Act to appropriate Money for Expenses incurred in the Inauguration of Governor Milton S. Latham and Lieutenant-Governor J. G. Downey—was taken up, read a third time, and passed.

On motion of Mr. Lansing, the Senate adjourned.
I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

Senate Chamber, Thursday, January 26, 1860.

Senate met pursuant to adjournment. President in the Chair.

Roll called.

Absent: Mr. Crittenden.

Journal of yesterday read and approved.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, January 25th, 1860.

To the Honorable the Senate of California:

Under the act entitled An Act supplementary to, and amendatory of, an act entitled "An Act to provide for the sale of the Interest of the State of California in the Property within the Water Line Front of the City of San Francisco, as defined in and by the Act entitled 'An Act to provide for the Disposition of certain Property of the State of California," passed March twenty-sixth, one thousand eight hundred and fifty-one, passed May eighteenth, one thousand eight hundred and fifty-three, (which bill having been vetoed by the Governor, and after a reconsideration, having passed both houses, by the constitutional majority became a law, May first, a. d., one thousand eight hundred and fifty-five.) the Governor, Secretary of State, and Controller, are created a Board whose duty it shall be to advertise and dispose of the interest of the State in all property within the water line front of the city of San Francisco, and were authorized to receive the civil warrants of the Controller in payment, etc., etc.

In discharging the duty thus assigned them, it became necessary to institute legal proceedings in the city of San Francisco, and by a decree of the courts, they were compelled to receive one bond for five hundred dollars, dated second August, one thousand eight hundred and fifty-eight, with all the coupons attached, also two Controller's warrants—one for forty dollars and the other for two hundred dollars—also, a certificate of balances given by the Treasurer of the State for one hundred and sixty dollars and thirty-seven cents. All of which are now in the hands of the Controller, for the reason that the Treasurer conceives it to be his duty to receive only the legal currency of the United States, and citing the act of one thousand eight hundred and fifty-seven, concerning the

receipts and expenditures of the State, as authority therefor.

In view of the facts, I respectfully recommend that the Legislature pass a law authorizing the Treasurer to receive and cancel these evidences of indebtedness the same as though they were legal currency of the United States.

JOHN G. DOWNEY,

Governor.

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On motion of Mr. Dickinson, the message was referred to the Committee on Finance.

Mr. Clark presented a petition from the citizens of Folsom praying for the passage of a Sunday Law.

Referred to the Committee on Public Morals.

· REPORT.

Mr. Titus, from the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 7, An Act to authorize the Secretary of State to cause the issuance of Duplicates for certain lost State Bonds;

Also, Senate Bill, No. 38, An Act fixing the time when General Laws shall take Effect, and find the same correctly engrossed.

J. S. TITUS,

For the Committee.

Accepted.

GENERAL FILE.

Senate Bill, No. 38, An Act fixing the time when General Laws shall

take Effect-was read a third time, and passed.

Senate Bill, No. 7, An Act to authorize the Secretary of State to cause issuance of Duplicates of certain lost State Bonds-was read a third time and passed.

Also, Senate Concurrent Resolution, No. 26, Relative to the Mail Ser-

vice, was taken up, and the Assembly amendments concurred in

Also, Senate Bill, No. 64, An Act to Compensate the Resident Director of the State Prison-was considered in Committee of the Whole.

IN SENATE.

Bill reported back and referred to the Committee on Claims.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, January 26th, 1860.

Mr. President:-The Assembly on the twenty-third inst., passed Assembly Bill, No. 78, An Act to extend the time for the Collection of Taxes in Mendocino County;

Also, on yesterday, passed Assembly Bill, No. 35, An Act to authorize the Tax Collector of Mendocino County, to collect Delinquent Taxes, and

to extend the time for the collection of the same;

Also, Assembly Bill, No. 53, An Act to amend an Act entitled "An Act to authorize the Construction of certain Wharves," approved February twenty-first, one thousand eight hundred and fifty-nine;
Also, adopted Assembly Concurrent Resolution, No. 35, Relative to a

Mail Route, from Sonora, California, to Monoville U. T;

Also, Assembly Concurrent Resolution, No. 36, Relative to Seat of Government.

R. K. WESTON,

Ass't Clerk of Assembly.

CONSIDERATION OF BILLS.

Assembly Bill, No. 78, An Act to extend the time for the Collection of Taxes in Mendocino County-read first and second times.

On motion of Mr. O'Farrell, the bill was laid on the table.

Also, Assembly Bill, No. 35, An Act to authorize the Tax Collector of Mendocino County, to collect certain Delinquent Taxes, and to extend the time for the collection of the same-read first and second times.

On motion of Mr. O'Farrell, the rules were suspended, and bill read a

third time.

On motion of Mr. Sharp, the vote by which the above bill was read a third time, was reconsidered, and referred to the Senator from Sonoma.

Assembly Bill, No. 53, An Act to amend an Act entitled "An Act to authorize the Construction of certain Wharves," approved February twenty-first, one thousand eight hundred and fifty-nine.

Mr. Dent, moved to suspend the rules, and road the bill a third time.

Mr. Merritt, moved to refer the bill to the Committee on Corporations.

Mr. Redman, moved to amend, by requiring the Chairman of the Committee on Corporations, to report on to-morrow morning.

Carried.

The question recurring on Mr. Merritt's motion, it was so referred.
Assembly Concurrent Resolution, No. 35, Relative to a Mail Route from Sonora, California, to Monoville, U. T.

Referred to the Committee on Federal Relations.

Assembly Concurrent Resolution, No. 36, Relative to Seat of Government—was, on motion of Mr. Merritt, laid on the table.

Mr. Titus, asked and obtained leave of absence, for Mr. Crittenden, for

one day.

Mr. Quinn was excused from serving on Committee on Corporations.

The President appointed Mr. Kirkpatrick to fill the vacancy on said committee.

Mr. Watson made the following report:

Mr. President:—Your committee to select a suitable and competent person to translate the different documents into the German language, have appointed Mr. Julius Schultz of San Francisco, as the most capable person, and beg so to report.

JOHN F. WATSON, Chairman.

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A. C. PEACHY.

On motion of Mr. Sharp, the rules were suspended, the report just read was taken up and adopted.

SPECIAL ORDER.

The hour having arrived for the special order of the day, Senate Bill, No. 35, An Act to Appropriate Money to pay W. T. Barbour, was taken up, and considered in Committee of the Whole.

IN SENATE.

President pro tem. in the Chair.

Bill reported back, and on motion of Mr. Kirkpatrick, it was laid on the table.

Mr. Wheeler offered the following resolution:

Resolved, That the Judiciary Committee be, and hereby is, instructed to prepare and report, at its earliest convenience, a bill for the protection of the homesteads of old bachelors; also, a bill repealing the present law relating to the subject of divorces.

The question being on the passage of the resolution, Mr. Sharp called for a division of the question.

Upon which, the ayes and noes were demanded by Messrs. Merritt, O'Farrell, and Ballou, with the following result: ayes, 8—noes, 18:

AYES-Messrs. Anderson, Ballou, Dickinson, Edgerton, O'Farrell, Sharp, Titus, and Watkins-8.

Noes-Messrs. Bradley, Clark, Chase, Dent, Eagon, Franklin, Haynes, Kirkpatrick, Lansing, Logan, Merritt, Parks, Peachy, Phelps, Pico, Redman, Watson, and Wheeler-18.

So the motion was lost.

The question recurring upon the passage of the resolution, it was lost. On motion of Mr. Clark, Senate Bill, No. 35, An Act to Appropriate Money to pay W. T. Barbour—was taken from the table, and considered in Committee of the Whole.

IN SENATE.

Bill reported back.

Mr. Dickinson offered a substitute.

Pending, which, on motion of Mr. Chase, the whole subject matter was referred to the Judiciary Committee.

Mr. Dent, Chairman of Committee on Engrossed Bills, made the fol-

lowing report:

Mr. President:—The Committee on Engrossed Bills, have examined Senate Bill, No. 37, An Act for the Relief of the Heirs of David Morgan;

Also, Senate Bill, No. 52, An Act to amend an Act entitled "An Act concerning Courts of Justice of this State, and Judicial Officers," passed

May nineteeenth, one thousand eight hundred and fifty-three;

Also, Senate Bill, No. 54, An Act to repeal an Act entitled "An Act concerning Roads and Highways in the County of Nevada," approved March second, one thousand eight hundred and fifty-nine, and an Act supplementary and explanatory of said Act;

Also, Senate Bill, No. 55, An Act to give effect to Patents for Lands issued in the name of Deceased Persons, and find the same correctly en-

grossed.

GEORGE W. DENT,

Chairman of Committee.

Accepted.

Senate Bill, No. 37, An Act for the Relief of the Heirs of David Morgan—was read a third time and passed.

Senate Bill, No. 55, An Act to give effect to Patents for Lands issued in the names of Deceased Persons—was read a third time and passed.

Senate Bill, No. 52, An Act to amend an Act entitled "An Act concerning Courts of Justice of this State, and Judicial Officers"—was read a third time and passed.

On motion of Mr. Lansing, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,

Friday, January 27, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent-Mr. Edgerton.

Journals of yesterday read and approved.

Mr. Dickinson presented certain accounts, which were referred to the Committee on Contingent Expenses.

Mr. Kirkpatrick presented a petition from the citizens of Forest City, Sierra County, praying for a Sunday Law.

Referred to the Committee on Public Morals.

Mr. Sharp presented a petition from citizens of San Francisco, relative to passing a law prohibiting the burning of bricks in certain limits of San Francisco;

Also, by leave, introduced a bill for an act entitled An Act to prohibit the Burning of Bricks within certain limits in the City and County of

San Francisco.

Read first and second times and referred, with petition, to the San Francisco Delegation.

REPORT.

Mr. Merritt, chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate Bill, No. 12, An Act extending the privileges of the Homestead Law to certain persons and to regulate the creation of the same, have had the same under consideration.

Messrs. Merritt, Sharp, and Wheeler, report the bill back, with the recommendation that the same be indefinitely postponed.

Messrs. Anderson and Redman recommend its passage;

Also, Senate Bill, No. 23, An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one, have had the same under advisement.

Messrs. Merritt, Anderson, and Sharp report the bill back with the

recommendation that the same be indefinitely postponed.

Messrs. Wheeler and Redman recommend its passage;

Also, Senate Bill, No. 49, entitled An Act to fix the Compensation of the District Attorney of Napa County, have had the same under consideration, and report the bill back and recommend its passage;

Also, Assembly Bill, No. 10, entitled An Act to amend "An Act to regulate the Settlement of the Estates of Deceased Persons," passed May first one thousand eight hundred and fifty-one, have had the same under advisement, and report the bill back and recommend its passage.

Your committee have also had under advisement Assembly Bill, No. 40, entitled An Act to authorize the Administratrix of the Estate of John McKenna, deceased, to sell Real Estate of deceased at Public or Private

Sale, and report the bill back and recommend its passage.

Respectfully submitted.

MERRITT,

Chairman.

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Placed on file.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 28, An Act for the Relief of Purchasers of Real Estate at Sales made by Public Administrators, and find the same correctly engrossed.

GEO. W. DENT,

Chairman.

Accepted.

Mr. Quinn, from the Tuolumne Delegation, made the following report:

Mr. President:—The Tuolumne Delegation, to whom was referred Assembly Bill, No, 50, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to reincorporate the City of Sonora,'" approved March ninth, one thousand eight hundred and fifty-five, approved February seventh, one thousand eight hundred and fifty-seven, have had the same under consideration, report it back to the Senate, and recommend its passage without amendment.

QUINN, FRANKLIN, Delegation.

Placed on file.

Mr. O'Farrell, from delegation, made the following report:

Mr. PRESIDENT:—The delegation to whom was referred Assembly Bill, No. 35, An Act to authorize the Tax Collector of Mendocino County to collect certain Delinquent Taxes, and to extend the time for the collection of the same, report the same back, with amendment, and recommend its passage.

O'FARRELL,

Of Eleventh District.

Placed on file.

Mr. Redman made a verbal report, recommending the passage of Assembly Bill, No. 30, An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State," so far as relates to the counties of Santa Clara and Contra Costa.

Bill placed on file.

REPORTS.

Mr. Phelps, of the San Mateo and San Francisco Delegation made the following report:

Mr. President:—The delegation from the Fifth Senatorial District, to whom was referred Assembly Bill, No. 58, An Act to authorize William Green and Michael Hayes, their Associates and Assigns, to construct and keep in repair a certain Street in the City and County of San Francisco and to levy and collect Tolls thereon, have had the same under consideration, and report the bill back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

In line six of Preamble strike out the word "third" and insert, "fourth;" section first, strike out all after the word "provided," to end of section, and insert "that all Funeral Processions on their way to any cemetery on or near the line of said street or road, shall pass free of

tolls."

PHELPS,

For the Delegation.

Placed on file.

Mr. Dent, of the Contra Costa Delegation, made the following report:

Mr. President:—The undersigned, to whom was referred Assembly Bill, No. 27, entitled An Act explanatory of, and supplementary to, "An Act to amend an Act entitled 'An Act to regulate Fees in Office in certain Counties of this State,'" approved April twenty-eighth, one thousand eight hundred and fifty-seven, and approved April eighteenth, one thou-

sand eight hundred and fifty-nine, beg leave to report the same back, and recommend its passage without amendment.

G. W. DENT.

Mr. Kirkpatrick, by leave, introduced a bill for an act entitled An Act to provide for the Payment of D. O. Mills & Co.

Read first and second times and referred to the Committee on Claims.

REPORT.

Mr. Anderson, Chairman of Committee on Corporations, made the following report:

Mr. President:—The Committee on Corporations have had under consideration Assembly Bill, No. 53, An Act to amend an Act entitled "An Act to authorize the construction of certain Wharves," approved February twenty-first, one thousand eight hundred and fifty-nine, and herewith return the same, unanimously recommending the passage of the same.

JAMES ANDERSON,

Chairman.

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Placed on file.

Mr. Kirkpatrick gave notice that he would, at an early day, introduce a bill providing for the establishment of an Asylum for the Blind and appropriating certain Moneys for the erection of the same.

RESOLUTION.

Mr. Watkins offered the following resolution:

Resolved, That Charles C. Beard be employed as an additional page of the Senate, to be paid at the rate of three dollars per day out of the Contingent Fund of the Senate.

Adopted.

GENERAL FILE.

Senate Bill, No. 28, An Act for the Relief of Purchasers of Real Estate at sales made by Public Administrators—was read a third time and passed.

Senate Bill, No. 12, An Act extending the privileges of the Homestead

Law to certain Persons and regulate the creation of the same.

The question being on the indefinite postponement of the bill it was lost.

The bill was then considered in Committee of the Whole and amended.

IN SENATE.

Bill reported back, amendments of committee adopted, bill ordered engrossed, and read a third time, and—

On motion of Mr. Phelps it was made the special order of the day for

Friday next at twelve, M.

Senate Bill, No. 23, An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one—was indefinitely postponed.

Assembly Bill, No. 10, An Act to amend "An Act to regulate the settle-

ment of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one—was read a third time and passed.

Assembly Bill, No. 40, An Act to authorize the Administratrix of the Estate of John McKenna, Deceased, to sell Real Estate of Deceased at Private or Public sale—was read a third time and passed.

Senate Bill, No. 49, An Act for the Compensation of the District Attorney of Napa County—was ordered engrossed, and read a third time.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department, Sacramento, January 27th, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have this day signed Senate Bill, No. 8, An Act Appropriating Money for the pay of Copying done for the Legislature.

JOHN G. DOWNEY, Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

January 27th, 1860.

Mr. President:—The Assembly on yesterday, passed Senate Bill, No. 44, An Act to authorize the Board of Supervisors of Santa Clara County to issue a License for a Toll-Bridge across the Pajaro River, at Malposa, in the line between the Counties of Santa Clara and Monterey;

Also, Senate Bill, No. 59, An Act to extend the time for the Collection

of State and County Taxes in the County of Tulare;

Also, Assembly Bill, No. 14, An Act to pay Mary Harrison for services

rendered at the State Insane Asylum;

Also, Substitute for Assembly Bill, No. 17, An Act to grant to certain Parties the right of constructing a Road to Point Lobes, in the City and County of San Francisco;

Also, receded from its disagreement to Senate amendments to Assem-

bly Concurrent Resolution, No. 27, Relative to State Librarian.

R. K. WESTON,

As't Clerk of the Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 14, An Act to pay Mary Harrison for services rendered at the State Insane Asylum—was read first and second times and referred to Committee on Claims.

Assembly Bill, No. 17, An Act to grant to certain Parties the right of constructing a Road to Point Lobos, in the City and County of San Francisco—was read first and second times and referred to the San Francisco Delegation.

GENERAL FILE RESUMED.

Assembly Bill, No. 53, An Act to amend an Act entitled "An Act to authorize the construction of certain Wharves," approved February twenty-first, one thousand eight hundred and fifty-nine—was read a third time and passed.

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Assembly Bill, No. 58, An Act to authorize William Green and Michael Hayes, their associates and assigns, to construct and keep in repair a certain Street in the City and County of San Francisco, and to levy and collect Tolls thereon—was considered in Committee of the Whole and amended.

IN SENATE.

Reported back, amendments of the committee concurred in, bill read a third time and passed.

SPECIAL ORDERS OF THE DAY.

Senate Bill, No. 48, An Act to Appropriate Money to pay J. W. Lock-wood, was taken up, and-

On motion of Mr. Lansing, the further consideration of the bill was made the special order for Wednesday next, at twelve o'clock, M.

Senate Bill, No. 26, An Act to provide for the Report and Publication of the Decisions of the Supreme Court, was taken up, and—

On motion of Mr. Merritt, the further consideration of the bill was

made the special order for Tuesday next, at twelve o'clock, M.

Assembly Bill, No. 35, An Act to authorize the Tax Collector of Mendocino County to collect certain Delinquent Taxes, and to extend the time for the collection of the same—was considered in Committee of the Whole and amended.

IN SENATE.

Bill reported back, amendments concurred in, bill read a third time,

and passed.

Assembly Bill, No. 50, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to reincorporate the ('ity of Sonora,'" approved March ninth, one thousand eight hundred and fifty-five, approved April seventh, one thousand eight hundred and fifty-seven—was read a third time and passed.

Assembly Bill, No. 27, An Act explanatory of, and supplementary to, an Act entitled "An Act to amend an Act entitled 'An Act to regulate Fees in Office in certain Counties of this State," approved April twenty-eighth, one thousand eight hundred and fifty-seven, approved April teighteenth, one thousand eight hundred and fifty-nine—was read a third time and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

January 27, 1860.

Mr. President:—The Assembly on the twenty-eighth instant passed Assembly Bill, No. 80, An Act fixing the Compensation of the Members of the Board of Supervisors of the County of Amador.

R. K. WESTON,

Ass't Clerk Assembly.

Assembly Bill, No. 80, An Act fixing the Compensation of the Members of the Board of Supervisors of the County of Amador—was taken up, read first and second times, rules further suspended, bill read a third time, and passed.

Mr. Dickinson offered the following resolution:

Resolved, That the Sergeant-at-Arms of the Senate be directed to cause the partition between the Senate and Assembly Chambers to be raised to the ceiling.

Adopted.

On motion of Mr. Watkins, Assembly Concurrent Resolution, No. 36, Relative to Seat of Government, was taken from the table.

Mr. Watkins moved to amend by striking out the word "seven" and

insert "four."

Carried.

Mr. Merritt moved to refer the resolution to the Committee on State Prison and Public Buildings.

Upon which the ayes and noes were demanded by Messrs. Merritt, Dickinson, and Lansing, with the following result: Ayes, 9-noes, 17.

Ayes-Messrs. Anderson, Ballou, Clark, Dent, Dickinson, Leet, Logan,

Merritt, and Parks-9.

Noes-Messrs. Bradley, Chase, Eagon, Franklin, Haynes, Lansing, O'Farrell, Parker, Peachy, Phelps, Pico, Quinn, Redman, Ryan, Sharp, Titus, and Watkins-17.

So the motion was lost.

Mr. Leet moved to strike out the word "two" and insert "all propositions."

Pending which, Mr. Merritt offered the following as a substitute for the original resolution:

Resolved, By the Assembly, the Senate concurring, that a Joint Committee of four from the Assembly and four from the Senate be appointed to take into consideration the permanent location of the Seat of Government, and to report thereon to the Senate and Assembly.

Mr. Redman moved to insert the words "and removal" after the word " location."

Adopted.

Mr. Clark moved to further amend by inserting, after the word "loca-

tion," the words "and if deemed expedient."

Upon the adoption of which, the ayes and noes were demanded by Messrs. Lansing, Merritt, and Dickinson, with the following result: Ayes, 15—noes, 12.

AYES-Messrs. Anderson Ballou, Clark, Chase, Dickinson, Franklin, Haynes, Leet, Logan, Merritt, Parks, Peachy, Pico, Ryan, and Wheeler --15.

Noes-Messrs. Bradley, Eagon, Lansing, O'Farrell, Parker, Phelps, Quinn, Redman, Sharp, Titus, Watkins, and Watson-12.

So the amendment was adopted.

The question being on the substitute, as amended, it was adopted.

The President announced the following as the committee, on part of the Senate, on the resolution, Relative to a Seat of Government, consisting of Messrs. Watkins, Eagon, Phelps, and Haynes.

On motion of Mr. Lansing, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of Senate.

IN SENATE.

Senate Chamber, Saturday, January 28th, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Absent—Mr. Kirkpatrick. Journals of yesterday read and approved.

REPORTS.

Mr. Parks, from Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills, have examined Senate Concurrent Resolution, No. 28, Relative to certain Mail Routes in the northern portion of the State;

Also, Senate Concurrent Resolution, No. 26, Relative to the Mails, and find them correctly enrolled, and have this day presented the same to the

Governor.

W. H. PARKS, For Committee.

Mr. Watkins, Chairman of the Committee on Claims, made the following report:

Mr. President:—The Committee on Claims, have had under consideration Senate Bill, No. 64, An Act to Compensate the Resident Director of the State Prison, and herewith return the same, recommending its passage.

The committee find that this bill is identical with one which passed the

Senate at the Tenth Session, by but three dissenting votes.

The services were undoubtedly rendered by the Honorable Joseph Walkup, and the rate of per diem, we consider, was fixed at ten dollars, by the Act of April twenty-fourth, one thousand eight hundred and fifty-eight.

H. P. WATKINS, Chairman.

Placed on file.

FURTHER REPORTS FROM THE COMMITTEE ON CLAIMS.

Mr. President:—The Committee on Claims, to whom was referred Senate Bill, No. 50, An Act for the Relief of Otis Brett, have had the same under consideration, and beg leave to report it back with the recommendation that it do not pass.

About one year ago, Mr. Otis Brett, was conveyed to the Insane Asylum as a patient, and while there, he suffered the loss of both legs by amputation. Charges of malpractice, etc., were preferred against the Physicians of the Asylum, and a committee from the Legislature was sent to

Stockton to investigate the same.

After a careful and thorough investigation, the committee reported, entirely exonerating the Physicians from all blame, in the matter, and that

they were in no way responsible for the result so unfortunate to Mr. Brett.

Your committee, therefore, in view of the facts in this case, can see no reason why the State should be required to pay this claim.

H. P. WATKINS, Chairman.

Placed on file.

Mr. President:—The Committee on Claims, to whom was referred the claims of John Simms, for three dollars and twenty-five cents, Thos. II. Hanson, for three dollars and twenty-five cents, and José Garcia, for eight dollars, for witness' fees and mileage, in attending upon the committee at the State Prison, in one thousand eight hundred and fifty-nine, have had the same under consideration, and recommend their payment.

H. P. WATKINS,

Chairman.

Placed on file.

Mr. Anderson, Chairman of the Committee on Printing, made the following report:

Mr. President:—The Committee on Printing have had under consideration Assembly Concurrent Resolution, No. 28, Relative to Pacific Railroad Convention, and herewith return the same, recommending that it pass.

ANDERSON,

Chairman.

Placed on file.

Mr. O'Farrell, Chairman of the Committee on Public Lands, made the following report:

Mr. President:—Your Committee on Public Lands, to whom was referred Assembly Resolution, No. 29, Relative to asking Congress for the formation of a new land district in California, have had the same under consideration, and recommend its passage with the boundaries as amended.

In sixteenth line, first page, for the word "district," substitute "districts." In seventeenth line, page first, after the word "two," insert "and four."

O'FARRELL,

Chairman.

Mr. Titus, Chairman of Committee on Public Hospitals, made the following report:

Mr. President:—The Committee on State Hospitals, to whom was referred the annual report of the State Registrar, for the year one thousand eight hundred and fifty-nine respectfully submit the following report:

cight hundred and fifty-nine, respectfully submit the following report:

Believing the statistical information afforded by a full and correct registration, is of the utmost value to the political economist and statesman, embodying as it does a statement of facts comprising all the relations of man—in health and disease—the increase of the population of a country—its vital and mortuary statistics—its climatology and character of its prevalent diseases. Therefore, for the purpose of disseminating such statistics as have been collected by the State Registrar the past year, we would recommend the adoption of the accompanying resolution.

With the view of carrying out the recommendation of the Registrar, in regard to the repeal or amendment of the present act relative to registration, we will, at an early day, introduce a bill, and recommend it to your favorable consideration:

Resolved, By the Senate, the Assembly concurring, that there be printed, of the report of the State Registrar, for the year one thousand eight hundred and fifty-nine, one thousand copies.

J. S. TITUS,

Ch'n of the Hospital Committee.

On motion of Mr. Titus the rules were suspended, and the resolution first reported was taken up, and adopted.

On motion of Mr. Clark, the vote by which the resolution just passed,

was reconsidered.

On motion of Mr. Clark, the resolution was amended by striking out "one thousand," and inserting "nine hundred and sixty."

The resolution as amended was then adopted.

Mr. Wheeler, from the Yuba Delegation, made the following report:

Mr. President:—The Delegation from Yuba and Sutter, to whom was referred Assembly Bill, No. 16, An Act concerning the Indigent Sick of Yuba County, hereby report the same back, and recommend its passage, with the following amendment:

In the seventh line of section first, strike out the word "twenty," and

insert "twenty-five."

E. D. WHEELER, H. P. WATKINS, W. H. PARKS.

Placed on file.

On motion of Mr. Wheeler the rules were suspended, and Assembly Bill, No. 16, An Act concerning the Indigent Sick of Yuba County, was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of committee concurred in, bill read a .third time, and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
January 28, 1860.

Mr. President:—The Assembly on yesterday passed Assembly Bill, No. 81, An Act supplemental to "An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River," approved April eleventh, one thousand eight hundred and fifty-nine;

Also, adopted Assembly Concurrent Resolution, No. 37, Relative to the

Public Lands;

Also, Assembly Concurrent Resolution, No. 38, Relative to taking the Census;

Also, Assembly Concurrent Resolution, No. 39, Relative to Claims against Mexico.

R. K. WESTON,
Assistant Clerk of Assembly.

Assembly Bill, No. 81, was read first and second times, and-

On motion of Mr. Parks, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Bill reported back, read a third time, and passed.

Assembly Concurrent Resolution, No. 37, Relative to the Public Lands, was taken up.

Mr. Dickinson moved to refer the resolution to the Committee on

Public Lands.

Mr. Clark moved to lay on the table.

Upon which the aves and noes were demanded, by Messrs. Ryan, Clark, and Dent, and taken with the following result: Ayes, 4-noes, 20.

AYES-Messrs. Ballou, Clark, Dickinson, and Watkins-4.

Noes-Messrs. Anderson, Bradley, Chase, Dent, Franklin, Haynes, Leet, Logan, O'Farrell, Parker, Parks, Peachy, Pico, Quinn, Redman, Ryan, Sharp, Titus, Watson, and Wheeler-20.

So the Senate refused to lay on the table.

The question recurring on the motion of Mr. Dickinson, the resolution was so referred.

Assembly Concurrent Resolution, No. 38, Relative to taking the

Census—was referred to the Committee on Federal Relations.

Assembly Concurrent Resolution, No. 39, Relative to Claims against Mexico-was referred to the Committee on Federal Relations.

INTRODUCTION OF BILLS.

Mr. Redman, by leave, introduced a bill for an act entitled An Act supplementary to an Act entitled "An Act to prevent the trespassing of Animals upon Private Property," passed March thirty-first, one thousand eight hundred and fifty-five.

Read first and second times, and referred to the Committee on Agri-

culture.

Mr. Anderson, by leave, introduced a bill for an act entitled An Act concerning District Court Reporters.

Read first and second times and referred to the Judiciary Committee. Mr. Parks, by leave, introduced a bill for an act entitled An Act to amend an Act entitled 'An Act to provide for the issuance of Patents to Lands located with State School Land Warrants, and for Lands purchased under the Act of April twenty-third, one thousand eight hundred and fifty-eight."

Read first and second times and referred to the Committee on Public

Mr. Wheeler, by leave, introduced a bill for an act entitled An Act authorizing the construction of Wharves at the foot of certain Streets in the City and County of San Francisco.

Read first and second times and referred to the Committee on Com-

merce and Navigation.

Mr. Titus, by leave, introduced a bill for an act entitled An Act to change the name of William C. Perry to that of William C. Miller.

Read first and second times and referred to the Committee on Public Morals.

On motion of Mr. Dickinson, Mr. Lansing was excused from serving

on the Committee on State Hospitals.

Mr. Dent, Chairman of the Committee on Engrossed Bills, reported back Senate Bill, No. 49, An Act to fix the Compensation of the District Attorney of Napa County, with instructions to have enacting clause inserted and referred to Judiciary Committee.

Mr. Redman offered the following resolution:

Whereas, Much dissatisfaction has been expressed by citizens in different portions of the State in regard to the action of a majority of the members of the State Agricultural Society at their Annual Meeting, held in the City of Sacramento, on the eighteenth, nineteenth, twentieth, and twenty-first instants, with reference to the location of the next Annual State Fair; And Whereas, Said Society is an institution established, fostered, and encouraged, by the State; Therefore

Resolved, That the Committee on Agriculture be instructed to inquire into the proceedings of said meeting, and to report any acts of oppression or violations of the constitution of said society at said meeting, and also to report upon the expediency of appropriating the moneys appropriated to said society by the Legislature to the establishment of an Agricultural College.

Adopted.

REPORT.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred the memorial of James Haworth, and others, sureties on the Pacific Express Bond, have had the same under consideration, in conjunction with the Judiciary Committee of the Assembly, and submit the following report:

Upon an examination of the memorial, it appears not to be an application to the mercy or favor of the State, but a simple appeal to her sense of justice, for the reasons therein set forth, and which, it found to be true,

are conclusive in favor of the memorialists.

This position rendered it necessary for your committee to enter into as ample an investigation of the facts and the testimony upon which they rested, as would suffice for them to form a decided opinion, and offer to the Senate a solution which would be free from doubt.

They have accordingly performed this duty, and now offer, in order that there should be a clear apprehension of the subject, a short summary of the occurrences connected with the execution of the bond of the Pacific Express, and a synopsis of the evidence which has led to the conclusions

of the committee.

Soon after the meeting of the Legislature of one thousand eight hundred and fifty-seven, a Joint Committee of the two Houses was appointed, to ascertain the amount of money in the State treasury. At this time, Henry Bates was the State Treasurer, and E. A. Rowe had been, throughout the year one thousand eight hundred and fifty-six, his Chief Clerk and Cashier. Rowe was also President of the Pacific Express, a corporation having offices in all the principal towns in the State.

In the report which they made, it is stated, that it incidentally came to their notice, that one hundred and twenty-four thousand dollars had

been withdrawn by the Treasurer from the General Fund, to provide for the payment of the ensuing July interest. This sum was represented by the bond now in question, which is dated the third of January, one thousand eight hundred and fifty-seven. (Assembly Journals, eighth session, p. 131.)

As there was no appropriation for this object, and the payment was a violation of the constitution and the laws of the State, the Assembly appointed a committee, consisting of Messrs. Catlin, Clark, and Safford, to examine fully into, and report, all the facts pertaining to the alleged ac-

tion of the State Treasurer.

Soon afterwards, to wit—on the twenty-first of January, one thousand eight hundred and fifty-seven, another committee was appointed by the Assembly, to inquire into the mode and manner in which the provisions of an act entitled "An Act for the better protection of the State Treasury," had been carried out and obeyed. (Journals, p. 149.) This latter committee consisted of Messrs. Brent, Watkins, Birch, Hume, and Patrick.

The duty of the first committee was specific; that of the second, very general; but both necessarily involved the consideration and investigation of the subject now before us. The duties of the two committees, appear from the Journals, to have been performed very faithfully. A large number of witnesses were examined, and a considerable amount of testimony taken, the most pertinent of which is contained in the published Journals and Appendix of that session, and a portion of which, unpublished, is preserved in the original manuscript, in the Secretary of State's office. This testimony, together with some additional evidence furnished to your committee, has been examined and read, as far as was necessary, for the purposes of this investigation

Before proceeding to collate it for the information of the Senate, it is deemed proper to refer to the conclusions which were then attained by

the two committees of the Assembly.

The first committee say, in their report: "But one conclusion can be drawn from the testimony, and that is, that the first day of January, found the Treasurer with a large deficit in his vaults, and that his desperate expedient, of employing the Pacific Express, was adopted to account for such deficiency, and the various reasons suggested for such premature action, but were designed to screen the transaction from suspicion. It was the only alternative, after the refusal of Mr. McLane, which presented itself, and was embraced from necessity. The dangerous proximity of the Legislature, required either a return to the vaults of the absent funds, or something which would represent them." (Assembly Journal, p. 258.) The second committee, in their report, say: "There has evidently been carried on, by the State Treasurer and Mr. Rowe, a system of taking money from the State treasury without authority of law, and using the same in their private affairs. This must have commenced early in the year one thousand eight hundred and fifty-six, because, on the twenty-third of June, one hundred and thirteen thousand two hundred and eighty-nine dollars and ten cents, had been taken from the vaults illegally. We can get no evidence that any part of the money then wrongfully absent from the treasury, ever found its way back, but we believe the Treasurer used, or aided by Rowe, continued during the latter part of one thousand eight hundred and fifty-six, and to the time he was removed from office, to use the moneys of the State, but in what particular transaction, we are unable to ascertain. Some of the money is probably spent in riotous living-some of it was spent in investments

which have not proved successful, or, if successful, the returns could not

be immediately realized. (Eighth session Journal Appendix.)

The only evidence which tends to establish the fact, that the money was paid in consideration of the execution of the Pacific Express Bond, is that of Bates and Rowe, and their statements are so filled with evasions, contradictions, improbabilities, and refusals to answer, and so much unsustained by any other testimony, that standing alone, it is unworthy of credit, even if it were not palpably contradicted, as it is, by all the facts and circumstances given in evidence by the other and disinterested witnesses.

In the first place, no one saw the money counted, paid, or delivered, nor could it be traced in any manner or direction whatever. It was not charged on the books of the treasury until the tenth of January, and then it was at first charged to Wells, Fargo & Co., and afterward their name erased and Pacific Express substituted. The entry was made from

a memorandum in the handwriting of Rowe.

Mr. Catlin, who was chairman of the first committee, testifies before us that his committee made inquiries beyond the testimony taken, for the purpose of tracing the disposal of the money, and to ascertain if in truth it had been paid to the Pacific Express, as alleged by the State He says in his evidence, "Inquiries were made of all express companies and bankers where it was at all probable that such a sum would be deposited, and no deposit of any considerable sum, at or about that time, by Rowe or the Pacific Express, could be discovered, nor was any purchase of exchange ascertained, after like diligent inquiry, nor was any sum sent by either of said parties in bullion or coin by any of the modes of conveyance then used from Sacramento to San Francisco, or from San Francisco to New York. No person was found or produced, with the exception of Bates and Rowe, who had ever seen the money, or been engaged in its transmission from the vault of the treasury to any other place, or from any one place to another." (See testimony of Cattin, on file).

The testimony of A. G. Richardson (Journals, p. 265), who was Agent of the Pacific Express in Sacramento, and that of Henry Norton (Journals, p. 271), who was Superintendent and Cashier of the same company in San Francisco, both prove conclusively that the money did not pass

through the offices of that company.

In the next place, it appears from the testimony of Louis McLane, who was the managing Agent of Wells, Fargo & Co., that on the first of January, one thousand eight hundred and fifty-seven, he was applied to by Rowe to give a bond for the payment of the State interest due July first, one thousand eight hundred and fifty-seven. Mr. McLane says he was prepared to give the bond, "but the money was not forthcoming." Rowe offered to give him collateral securities upon which the money could be realized in thirty days, but McLane declined to take anything but the money. This evide ee, in itself, is totally at war with the hypothesis that the Treasurer could have paid this large amount of money to the Pacific Express only two days afterward, and McLane says, very properly, in his testimony, "there could be but one conclusion to be drawn from such a proposition—that is, that they had not the money." (See evidence of McLane, Journals, p. 261, and evidence McNeil, p. 265).

It also appears that, aside from the one hundred and twenty-four thousand dollars, there was still a deficiency in the vaults, and Rowe and Bates were put to their wits' end for the purpose of concealing it. Ho borrowed from McNeil, the cashier of Wells, Fargo & Co., in Sacramente,

twenty thousand dollars; from Rochester, an Agent of the same house, fifteen thousand dollars; and Bates borrowed from Rhodes five thousand dollars. This money was sent in a wagon to the Treasurer's office by McNeil. McNeil asked McLane if he might furnish Bates with money to make his count, which McLane refused, saying, "Let Dr. Bates provide for his counts the best way he could." (See McLane's testimony, Journals, p. 262; McNeil's testimony, Journals, p. 264; Rochester's testimony,

Journals, p. 265; Rhodes' testimony, p. 263).

The relation which these facts bear to the question will be recognized at once when it is recollected that the one hundred and twenty-four thousand dollars, pretended to be paid on the thirtieth of January, was about eight thousand dollars more than was necessary to pay the July interest, and, consequently, when it is asserted that this money was paid only within a few days of the time, when the Treasurer and his friend were making such desperate efforts to borrow money to make his count, there is nothing left to explain or reconcile this over-payment with the necessities which had then gathered around the head of this defaulting officer.

Mr. Catlin, in his report to the Legislature, sums up very conclusively on this portion of the case, thus: "The Treasurer says he borrowed the five thousand dollars from Mr. Rhodes to accommodate the wants of Mr. Rowe, who states that the sum of thirty-five thousand dollars was required for his private uses that day, etc. But how he came to make use of the Treasurer's official draft to raise twenty thousand dollars for his private use he does not attempt to explain. When it is remembered that on the third of January he claims to have received one hundred and twenty-four thousand dollars in cash, which sum the evidence shows could not have been sent to New York, it is remarkable that he should have been compelled to resort to such active and ingenious financial maneuvers in order io assist the Treasurer in being prepared to meet the count on the thirteenth. But your committee are not left alone to the foregoing inference, so naturally drawn from the testimony referred to. There are other facts which show conclusively that an amount nearly equal, or perhaps more than equal, to the amount of the Pacific Express Bond had been abstracted from the treasury more than six months before the execution of the bond, and no return of it whatsoever can be traced.

It appears that on the twenty-third of June, one thousand eight hundred and fifty-six, Bates applied to Samuel Knight, Agent of Wells, Fargo & Co., in Sacramento, according to the testimony, saying that Governor Johnson had recommended the removal of the money from the treasury, in consequence of the difficulties in San Francisco. McNeil says: "The reason was, as given by Dr. Bates, that the vault was unsafe, and they were afraid of the Vigilance Committee."

The occurrences which took place resulting from that application are thus stated in the report of the second committee of that Assembly, and which we adopt as a summary of the facts, as far as the statement goes, for thus far, in the main, it is accurately sustained by the evidence:

"On the twenty-third day of June, one thousand eight hundred and fifty-six (that being Sunday), Henry Bates, James M. Rhodes, and Samuel Knight, went to the office of the State Treasurer and took away all the money in the State treasury, and deposited the same with Wells, Fargo & Co. At that time there was found in the State treasury, by actual count, to be nineteen thousand, three hundred and twenty-three dollars. According to the books of the Treasurer, at that time, there

should have been one hundred and thirty-two thousand, six hundred and twelve dollars. Prior to that date, consequently, there must have been illegally abstracted from the treasury one hundred and thirteen thousand, two hundred and eighty-nine dollars and ten cents. Where was this money? It had been taken away by some person or persons, and no one except Henry Bates or Mr. Rowe could have taken the same without immediate detection." (See Journal Appendix, Eighth Session; also, testimony of Samuel Knight, A. B. McNeil, and State Treasurer Findley, on

file).

From the Controller's evidence, taken from his books, there appears to have been chargeable to the State treasury, at that time, a larger amount than appears from the Treasurer's books; he states it at one hundred and sixty-three thousand eight hundred and forty four dollars, on the thirtieth day of June. During the month of June there was paid into the treasury nineteen thousand five hundred and four dollars, and disbursed only three thousand two hundred and two dollars. Supposing the payment into the treasury to have been after the twenty-third June, there should have been on hand on the twenty-third June the sum of one hundred and forty-four thousand three hundred and forty dollars. There was actually on hand only the sum of nineteen thousand three hundred and twenty-three dollars, which was then taken out and deposited with Wells, Fargo & Co., showing an actual deficiency in the vault of over one hundred and twenty-five thousand dollars. Besides this, there is no evidence to show that the nineteen thousand three hundred and twenty-three dollars withdrawn on the twenty-third June, and deposited with Wells, Fargo & Co., was ever returned to the treasury. Dr. Bates says he thinks it was sent to New York, to meet the payment of interest not paid by Palmer, Cook & Co. McNeil says the money was afterward withdrawn, at different times, from Wells, Fargo & Co., a statement which is inconsistent with the theory that it was sent to New York to pay interest, and which induces the belief, in the mind of the committee, that this sum must also be added to the amount improperly abstracted from the treasury prior to the twenty-third June, one thousand eight hundred and fifty-six, and which would, therefore, make the ascertained deficits on that day amount to the sum of one hundred and forty-four thousand three hundred and forty dollars. (See testimony of Controller on file; testimony of McNeil, on file.)

Your committee further find, from the testimony, that, between September first and December thirty-first, one thousand eight hundred and fifty-six, Rowe had a deposit account with Wells, Fargo & Co., running up to the sum of one hundred and eighty-two thousand dollars; that at one time, November fourth, he deposited the large sum of one hundred and seventeen thousand eight hundred and sixty-two dollars, and on the same day he checked out the sum of one hundred and twenty thousand dollars. When it is remembered that he was only a Clerk in the treasury, at a moderate salary, and that after diligent inquiry by the committees of the Legislature of one thousand eight hundred and fifty-seven, it could not be discovered that he had any fortune, it seems to your committee that it is a matter of easy solution, when all the facts of this report are taken together, to determine that Mr. Rowe was the despoiler of the treasury, and that the time when it was done was long anterior to the

execution of the Pacific Express Bond.

So fully was the conviction of the fact forced upon the minds of the Legislature of one thousand eight hundred and fifty-seven, that it was constituted one of the articles of impeachment against the Treasurer.

Article twelfth charges distinctly that Bates had, prior to the third of January, one thousand eight hundred and fifty-seven, permitted large sums of money to be withdrawn from the treasury, contrary to law, for the private use of himself and Rowe. That fraudulently, and with intent to deceive the people, and to cover up the deficiency in the treasury, he did, on the third of January, pretend to pay to Rowe, as President of the Pacific Express, the sum of one hundred and twenty-four thousand dol-

lars, when in truth and in fact, no such payment was made.

Upon the first defense, then, which has been set up by the memorialists, your committee are of opinion that the facts upon which it rests are established satisfactorily by the evidence; that no money was ever paid out of the State treasury on account of the Pacific Express Bond; that the bond was fraudulently delivered and accepted for the purpose of covering up a deficiency which had long existed, and which had been created by the malpractice of the Treasurer and his Chief Clerk; and that the sureties on the bond were imposed on and signed it in good faith, supposing that the money was to be paid out of the treasury and transmitted to New York. (See evidence of Haworth, Bowman, Richardson, etc.)

In regard to the second defense set up in the memorial, your committee find that, in one thousand eight hundred and fifty-seven, suit was commenced in the Sixth Judicial District, on the official bond of Henry Bates, as State Treasurer, against him and his sureties. In that suit the alleged defalcation of the Treasurer was about the sum of one hundred and sixty-eight thousand dollars; his bond was only for the sum of one hundred thousand dollars. Included in the alleged defalcation was the sum said to have been paid to the Pacific Express Company. The sureties of Bates set up in defense the amount claimed to have been so paid, demanded credit for one hundred and twenty-four thousand dollars, and gave in evidence the bond. The State, through her counsel, took the position that the Pacific Express Bond was invalid. That position was sustained by the court and jury, and in consequence of it the State obtained judgment for the whole amount of Bates' Bond, to which, as a matter of course, her recovery had to be limited. That judgment was released by the last Legislature, and must occupy the same legal position as if it had been satisfied. It is immaterial, in the opinion of your committee, on what ground the court decided the Pacific Express Bond to be invalid. It is sufficient that the State took that position and obtained the benefit arising from it. In good faith she is now estopped from asserting the contrary. For the proof upon which this defense rests before the committee, we refer to the evidence of F. Hereford, who was prosecuting counsel for the State, and P. L. Edwards, who was for the defense.

In reference to the third defense, your committee report that it is proved by the record on file. The Pacific Express Company were enjoined on the nineteenth of January, one thousand eight hundred and fifty-seven, from taking any steps toward the fulfillment of the contract with Henry Bates, the State Treasurer.

The principle is well settled that if one in whose favor there is a covenant prevents the performance of it, then the covenants are destroyed.

Your committee, upon the whole defense, are of opinion that the State has no legal right to recover upon the Pacific Express Bond, and ought to release the memorialists from the trouble and expense of litigation. The suit against them will not only involve great cost, on account of the numerous witnesses who would have to be examined, but it also operates

as a lien upon their property, prevent them from selling it or borrowing money upon it—is calculated to cramp their energies and enterprise as useful citizens, and, from the necessarily protracted time of the litigation, promises to utterly destroy them, as far as fortune is concerned.

It has been suggested that legislative action in such a case is a bad precedent, and may multiply the applications of the same sort. We do not think it can be a bad precedent to perform an act of simple justice, and to relieve a citizen from oppression; and we do not consider it material how many cases of the same sort may arise, if they are equally meritorious. They would certainly all deserve the just considerations of the representatives of the State. If, in a similar case, an individual was to be addressed to denounce an unjust claim, he would be considered dishonest to refuse.

We think that a sovereign State ought to be governed by as high a system of ethics as her citizens. She ought, surely, to be as honest and magnanimous as a private individual, and that is all which is demanded of her in this case by the memorialists. We recommend their release,

and herewith report a bill for that purpose

MERRITT, Chairman. ARCA. C. PEACHY, R. A. REDMAN.

The report was partly read, when Mr. Merritt moved to dispense with the further reading of the report, and that the usual number of copies be ordered printed.

Agreed to.

Mr. Wheeler, from the same committee, presented the following minority report:

Mr. President:—I fully concur in the conclusions to which the majority of the committee have arrived, and am satisfied beyond a doubt that the memorialists have a good legal defense to any action that may be brought on the bond, and, therefore, as a matter of economy on the part of the State, and as an act of justice toward the sureties, I believe the accompanying bill ought to pass.

E. D. WHEELER.

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The Chair announced the name of Mr. Watson in place of Mr. Lansing (excused) on Committee on State Hospitals.

On motion of Mr. Ryan, Mr. Logan was added to the Committee on

Counties and County Boundaries.

On motion of Mr. Merritt, Senate Bill, No. 42, An Act to amend an Act entitled "An Act relative to Escheated Estates," approved April twenty-ninth, one thousand eight hundred and fifty-six, was referred to the Judiciary Committee.

GENERAL FILE.

Assembly Bill, No. 30, An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State," so far as relates to the Counties of Santa Clara and Contra Costa—was taken up, and on motion of Mr. Clark, laid on the table.

REPORT.

Mr. Sharp, Chairman of Committee on Public Expenditures, by leave, made the following report:

Mr. President:—Your Committee on Public Expenditures have examined the annexed bill for copying up to date, amounting to two hundred and ninety-eight dollars and eighty cents, and find it correct:

STATE OF CALIFORNIA,

To J. R. Beard, Secretary of Senate, Dr. :

Description.	
For Copying in Appendix to date For Copying in Appendix for Printer For Copying State Treasurer's Report for Printer For Copying Attorney-General's Report for Printer For Copying Secretary of State's Report for Printer For Copying State Agricultural Report for Printer For Copying Letter of Latham to Buchanan For Copying Senate Bill, No. 58 For Copying Senate Bill, No. 61	97 80 36 00 2 50 1 80 3 00 6 00 3 00
Total	\$298 80

SOL. A. SHARP, Chairman.

On motion of Mr. Sharp, the rules were suspended and the report just read was taken up and adopted.

Mr. Anderson offered the following Concurrent Resolution:

Resolved. By the Senate, the Assembly concurring, that Michael Martin, heretofore employed, by Assembly Concurrent Resolution, No. 12, to take charge of the furnaces in the basement of the State House, at four dollars per day, be paid out of the Contingent Fund of the Assembly and Senate equally.

Adopted.

GENERAL FILE RESUMED.

Assembly Concurrent Resolution, No. 29, Relative to asking Congress for the formation of a new Land District in California—was taken up, amendments adopted, and resolution, as amended, concurred in.

Senate Bill, No. 64, An Act to Compensate the Resident Director of the

State Prison-was considered in Committee of the Whole.

IN SENATE.

Bill reported back, ordered engrossed, and read a third time.

Senate Bill, No. 50, An Act for the Relief of Otis Brett—was taken up, and, on motion of Mr. Franklin, made the special order of the day for Saturday next at twelve, M.

Mr. Peachy, by leave, introduced a bill for an act entitled An Act to authorize the Courts of Record of this State to admit Herbert Chilien Jones as an Attorney and Counselor-at-Law.

Read first and second times, rules further suspended, and considered in

Committee of the Whole.

SENATE.

Bill reported back and referred to the Judiciary Committee. Mr. Parks asked and obtained indefinite leave of absence for Mr. Kirkpatrick.

On motion of Mr. Dickinson, the Senate adjourned. I. N. QUINN,

President of the Senate.

Attest: DAVID J. WILLIAMSON, Assistant Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Monday, January 30, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

No quorum present.

Mr. Anderson moved a call of the Senate.

Absent-Messrs. Bradley, Chase, De la Guerra, Eagon, Edgerton, Merritt, O'Farrell, Phelps, Ryan, and Sharp.

Mr. O'Farrell appearing at the bar of the Senate, was admitted. Mr. Chase appearing at the bar of the Senate, was admitted.

On motion of Mr. Dickinson, further proceedings under the call were dispensed with.

Journal of Saturday read and approved.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. PRESIDENT:-The Committee on Engrossed Bills have examined Senate Bill, No. 64, An Act to Compensate the Resident Director of the State Prison;

Also, Senate Bill, No. 12, An Act extending the privileges of the Homestead Law to certain Persons, and to regulate the creation of the same;

And find the same correctly engrossed.

GEORGE W. DENT, Chairman.

Mr. Wheeler, by leave, introduced a bill for an act entitled An Act creating an Insane Asylum at Marysville, Yuba County, for the State of California.

Read first and second times.

Mr. Wheeler moved to refer to a Special Committee of five.

Mr. Anderson moved to refer to the Committee on State Hospitals.

Mr. Watkins, by leave, introduced a bill for an act entitled An Act amendatory of, and supplementary to, "An Act to grant the right to construct and maintain a Bridge across the Feather River," approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the Yuba and Sutter dele-

gations.

Mr. Lansing, from Committee on Contingent Expenses, made the following report:

Mr. President:—Your Committee on Contingent Expenses, to whom were referred certain accounts herein set forth, have examined the same, and recommend the payment thereof out of the Contingent Fund:

Management and security to the second security to the second seco	
Sacramento Post Office	\$374 00
Wells, Fargo & Co	100 00
David Kendall	19 25
Charles T. Botts	55 87
James Anthony & Co	46 25
Total	\$595 37

C. J. LANSING, Chairman.

On motion of Mr. Dickinson, the report was amended by ordering the first and second items to be paid out of the Post Office Fund.

The report as amended was taken up, rules suspended, and adopted.

Mr. Wheeler, by leave, introduced a bill for An Act to amend an Act

entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty one.

dred and fifty-one.

Read first and second times, and referred to the Judiciary Committee. Mr. Redman gave notice, that he would at an early day, introduce a bill for An Act to authorize the Counties of Alameda, Santa Clara, San Joaquin, and San Mateo, to retain the State's portion of the Taxes collected in said Counties for the years one thousand eight hundred and sixty, one thousand eight hundred and sixty-one, one thousand eight hundred and sixty-three, and one thousand eight hundred and sixty-three, and one thousand eight hundred and sixty-four, for the purpose of aiding in the construction of a Pacific Railroad, and provide for the payment of the same.

On motion of Mr. Anderson, the usual number of copies of Senate Bill, No. 12, An Act extending the privileges of the Homestead Law to certain Persons, and to regulate the creation of the same, and Senate Bill, No. 65, An Act concerning District Court Reporters, were ordered printed.

Mr. Parker asked and obtained leave of absence for Mr. Sharp, for one

day, and for Mr. Phelps, for two days.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:
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ASSEMBLY CHAMBER.

January 30, 1860.

Mr. PRESIDENT: - The Assembly, on Saturday, the twenty-eighth inst., passed Assembly Bill, No. 112, An Act to change the name of Mary Louisa Muller;

Also, adopted Assembly Concurrent Resolution, No. 40, Relative to

asking the General Government for Arms;
Also, Assembly Concurrent Resolution, No. 42, Relative to Extending

the Pre-Emption privilege;

Also, concurred in Senate amendments to Assembly Bill, No. 58, An Act to authorize William Green and Michael Hayes, their Associates and Assigns, to construct and keep in repair a certain Street in the City and County of San Francisco and to levy and collect Tolls thereon;

Also, Assembly Bill, No. 35, An Act to authorize the Tax ('ollector of Mendocino County to collect certain Delinquent Taxes and extend the

time for the collection of the same;

Also, return for correction in amendments to Assembly Bill, No. 54, An Act to extend the time for the collection of the State and County Taxes in the County of Sonoma.

R. K. WESTON.

Ass't Clerk Assembly.

Assembly Bill, No. 112, An Act to change the name of Mary Louisa Muller-was read first and second times, and referred to the Committee on Public Morals.

Assembly Concurrent Resolution, No. 40, Relative to asking the Gen-

eral Government for Arms-was taken up and concurred in.

Assembly Concurrent Resolution, No. 42, Relative to Extending the Pre-Emption privilege-was taken up and referred to the Committee on Public Lands.

Assembly Bill, No. 54, An Act to extend the time for the collection of State and County Taxes in the County of Sonoma-was taken up, and-On motion of Mr. O'Farrell the title was amended by inserting after

the word "Sonoma," the words "Marin and Mendocino."

Strike out, also, where it appears in the bill the word "County," and insert "Counties;"

Also, where it appears in the bill, strike out the word "Sheriff," and

insert "Sheriffs;"

Also, amend section two, third line, by striking out the words "a bond," and insert the word "bonds."

The bill, as amended, was read a third time and passed.

GENERAL FILE.

Senate Bill, No. 64, An Act to compensate the Resident Director of the State Prison—was read a third time and passed.

Assembly Concurrent Resolution, No. 28, Relative to Pacific Railroad

Convention—was taken up and concurred in.

The report of the Committee on Claims, Relative to certain Claims for Witness' Fees-was taken from the file, and referred to the Committee on Contingent Expenses.

INTRODUCTION OF BILLS.

Mr. Ballou, by leave, introduced a bill for an act entitled An Act to authorize County Courts to change Names in certain cases.

Read first and second times, and referred to the Judiciary Committee.
Mr. Ryan, by leave, introduced a bill for an act entitled An Act to provide for the issuance of Patents to Lands located with State School Land Warrants, and for Lands purchased under the Act of April twenty-third, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the Committee on Public

Lands.

On motion of Mr. Clark, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

Senate Chamber, Tuesday, January 31, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent-Mr. Eagon.

Journal of yesterday read and approved.

Mr. Watkins presented a petition from citizens of Yuba County, Relative to the Dividing Line between Yuba and Sutter Counties.

Referred to the Committee on Counties and County Boundaries.

Mr. Edgerton presented a petition from citizens of Solano County, Relalative to a Liquor Law for that County.

Referred to the Committee on Public Morals.

COMMUNICATION FROM THE BOARD OF STATE PRISON DIRECTORS.

The following communication, accompanying the Report of the State Prison Directors, was received:

OFFICE BOARD OF STATE PRISON DIRECTORS.

Hon. I. N. QUINN,

President of the Senate:

Sin:—We have the Honor to transmit herewith, a Report of the Board of State Prison Directors. As we have but one copy, we respectfully request that the Assembly may be informed of its reception.

FERRIS FORMAN, JOSEPH WALKUP, JOHN B. WELLER,

State Prison Directors.

Placed on file. (For Report see Appendix.)

On motion of Mr. Dickinson, the reading was dispensed with, and the report was referred to the Committee on State Prison and Public Buildings.

COMMUNICATION FROM THE GOVERNOR.

The following communication, accompanying the Report of the Contingent Expenses of the Governor's Office was received:

SACRAMENTO, January 30th, 1860.

Hon. I. N. QUINN,

President of the Senate:

Sir:—I transmit herewith, a statement of the Contingent Expenses of the Governor's Office from first January, one thousand eight hundred and fifty-nine, to first January, one thousand eight hundred and sixty.

Very respectfully,

Your obedient servant, JOHN B. WELLER.

Referred to the Committee on Public Expenditures.

REPORT OF THE COMMITTEE ON CONTINGENT EXPENSES OF GOVERNOR'S OFFICE.

The following Report of the Committee on Contingent Expenses of the Governor's Office was received:

Date.	Articles paid for.	Amount
1859.		
January 8	Paid for Ice*	\$20 9
8	Dusters, etc	9 5
8	Repairs	7 5
15	Stationery	26 1
15	Telegrams	20 4
17	Newspapers	6 0
21		20 7
21	Pens, Pencils, etc	12 1
February 1	Paper and Mucilage	12 0
1	Wood	32 0
3	Messengers	50 0
5	Paper	20 0
7	Telegrams	4 0
15	Candles	32 4
15	State Register	30 0
19	Paper, etc	42 6
28	Envelopes	4 9
28	Wood	40 0
	Porter, one month	50 0
March 21	Herald Newspaper	7 5
22	Box Rent and Post Office	30 0
April 2	Stationery	5 0
2		3 5
May 2		5 (
16		9 0
June 30	Packages for Office	20 0
30	Messengers	40 0
30		7 5
30	Stationery	41 7
	Telegrams	15 0
August 1	Telegrams	27 0
15	Telegrams	25 0

^{*} This is for the five preceding months.

Date.	Articles paid for.	Amount.
September 10	Telegrams and Expressing	50 00
13	Post Office, Box Rent, etc	23 10
13	Telegrams	8 25
14	Ice	17 00
21	Telegrams	20 50
October 5	Telegrams	13 35
6	Ice	9 50
19	Express Envelopes	5 06
November 21	Wood and Ice	20 00
December 6	Telegrams	6 10
13	Postage and Box Rent	25 90
31	Wood	16 00
	Total	\$892 19

Referred to Committee on Public Expenditures.

Mr. Parks, of Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills have examined Senate Bill, No. 44, An Act to authorize the Board of Supervisors of Santa Clara County to issue a License for a Toll-Bridge across the Pajaro River at Mal Paso, on the line between the Counties of Santa Clara and Monterey;

Also, Senate Bill, No. 59, An Act to extend the time for the collection of State and County Taxes in the County of Tulare, and find the same correctly enrolled, and have this day presented the same to the Governor

for his approval.

W. H. PARKS.

For the Committee.

INTRODUCTION OF BILLS.

Mr. Watkins, by leave, introduced a bill for an act entitled An Act to alter and define the Boundary Line of Yuba County.

Read first and second times, and referred to the Committee on Counties

and County Boundaries.

Mr. Phelps, by leave, introduced a bill for an act entitled An Act amendatory of, and supplementary to, an Act entitled "An Act to authorize the Funding of the Floating Debt of the City of San Francisco and to provide for the Payment of the same," passed May first, one thousand eight hundred and fifty-one.

Read first and second times, and referred to the San Francisco and

San Mateo Delegation.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

RESOLUTION.

Mr. Dickinson offered the following concurrent resolution:

Resolved, By the Senate, the Assembly concurring, that four hundred and eighty copies of the report of the State Prison Directors be ordered printed, for the use of the two Houses.

Mr. Dent moved to strike out "four hundred and eighty," and insert "nine hundred and sixty."

Carried.

The resolution, as amended, was then adopted.

Mr. Peachy presented a petition from citizens of San Francisco, asking the Legislature to pass a law prohibiting Coolie labor.

Referred to the Committee on Judiciary.

INTRODUCTION OF BILLS.

Mr. Ryan, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act concerning Marks and Brands," passed May first, one thousand eight hundred and fifty-one.

Read first and second times, and referred to the Committee on Agri-

culture.

Mr. Ryan, by leave, introduced a bill for an act entitled An Act to establish Pilots and Pilot Regulations for Humboldt Bay and Bar.

Read first and second times and referred to the Committee on Com-

merce and Navigation.

Mr. Merritt, Chairman of Judiciary Committee, introduced a bill for an

act entitled An Act to Release the Sureties on a certain Bond.

Read first and second times and made the special order of the day for Thursday, February second, one thousand eight hundred and sixty, at twelve, M.

Mr. Sharp, Chairman of Committee on Public Expenditures, made the

following report:

Mr. President:—Your Committee on Public Expenditures have examined the account of the Secretary of the Senate, for copying done for the Printer and into the Senate Journals, and beg leave to make the accompanying report of the number of folios copied and the amounts allowed for the same to this date.

STATE OF CALIFORNIA,

To J. R. Beard, Sccretary of Senate, DR.:

Purpose.	
For Copying in Journal to date, 600 folios at 15 cts	\$90 00 60 00 8 00 2 00 1 80
Total	\$161 80

On motion of Mr. Sharp, the rules were suspended and the report just read was taken up and adopted.

Mr. Parker in the Chair.

On motion of Mr. Redman, Assembly Bill, No. 30, An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State," so far as relates to the Counties of Santa Clara and Contra Costa, was taken from the table, considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of committee concurred in, and bill read a third time.

The question being on its passage, the Senate refused to pass the bill. Mr. Redman gave notice that he would on to-morrow move for a reconsideration of the vote just taken.

Mr. Lansing, Chairman of the Committee on Contingent Expenses,

made the following report:

Mr. President:—Your Committee on Contingent Expenses, to whom was referred the report of the Committee on Claims, together with the claims of—

Names.	Amount.
John Simms	\$3 25 3 25 8 00
Total	\$14 50

For witness fees and mileage in attending upon the committee at the State Prison in one thousand eight hundred and fifty-nine, have examined the same, and recommend their payment out of the Contingent Fund of the Senate.

C. J. LANSING,

Chairman.

On motion of Mr. Lansing, the rules were suspended and the report just read was taken up and adopted.

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 56, An Act to regulate the Transmission of News for the use of the Public Press over any Line of Telegraph in this State, was taken up, and, on motion of Mr. Lansing, it was made the special order of the day for Tuesday, February seventh, at twelve, M.

REPORT.

Mr. O'Farrell, Chairman of Committee on Public Lands, made the following report:

Mr. PRESIDENT :- Your Committee on Public Lands, to whom was re-

ferred Assembly Concurrent Resolution, No. 37, Relative to Public Lands, have had the same under consideration and recommend its passage without amendments.

O'FARRELL, Chairman.

FURTHER SPECIAL ORDER.

Senate Bill, No. 26, An Act to provide for the Report and Publication of the Decisions of the Supreme Court—was taken up, and, on motion of Mr. Merritt, was made the special order of the day for Thursday next, at twelve, M.

GENERAL FILE.

Assembly Concurrent Resolution, No. 37, Relative to the Public Lands—was taken up and concurred in.

On motion of Mr. Phelps, the Senate adjourned.
I. N. QUINN,

President of the Senate.

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Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Wednesday, February 1, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

There being no quorum present, Mr. Phelps moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Anderson, Ballou, Clark, Eagon, Edgerton, McDonald, Peachy, Ryan, and Sharp.

The Sergeant-at-Arms was dispatched for the absentees.

Mr. Merritt appearing at the bar of the Senate, was admitted.

On motion of Mr. Merritt, further proceedings under the call were dispensed with.

Journal of yesterday read and approved.

Mr. Edgerion presented a petition from citizens of Napa County, praying for a change in the law relative to allowing mileage to Jurors.

Referred to the Judiciary Committee.

REPORT.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate Bill, No. 49, entitled An Act to fix the Compensation of the District Attorney of Napa County, have had the same under consideration, and report the bill back with the following amendment:

Insert enacting clause, "The people of the State of California, repre-

sented in Senate and Assembly, do enact as follows:" and recommend its

passage

Your committee have also had under advisement Senate Bill, No. 67, An Act to authorize the Courts of Record of this State to admit Herbert Chilien Jones as an Attorney and Counselor-at-Law, and report the bill

back and recommend its passage.

Your committee have also had under advisement Senate Bill, No. 75, entitled An Act to authorize County Courts to change names in certain cases, and to prohibit application to the Legislature therefor, and report the bill back with the recommendation that the same be indefinitely postponed.

MERRITT,

Chairman.

Placed on file.

Mr. Watkins, Chairman of the Committee on Claims, made the following report:

Mr. President:—The Committee on Claims, to whom was referred Senate Bill, No. 45, An Act to audit and allow the claim of Britton & Rey, beg leave to report back the same and recommend its passage.

WATKINS,

Chairman.

Placed on file.

Mr. Parks, Chairman of the Committee on Agriculture, made the following report:

Mr. President:—Your Committee on Agriculture, to whom was referred Senate Bill, No. 70, An Act supplementary to an Act entitled "An Act to prevent the Trespassing of Animals upon Private Property," passed March thirty first, one thousand eight hundred and fifty-five, beg leave to report it back, without amendment, and recommend its passage.

W. H. PARKS,

Chairman.

Placed on file.

Mr. De la Guerra, Chairman of the Finance Committee, made the following report:

Mr. President:—Your Committee on Finance, to whom was referred the Reports of the Contingent Expenses of the Treasurer's Office, Secretary of State's Office, and Superintendent of Public Instruction's Office, report the same back to the Senate, with the recommendation that they be referred to the Committee on Public Expenditures, and that this committee be discharged from the further consideration of said reports.

PABLO DE LA GUERRA,

Chairman.

Placed on file.

Mr. Bradley, by leave, introduced a bill for an act entitled An Act defining the Powers and Duties of the Board of Supervisors in certain cases.

Read first and second times and referred to the Committee on Roads

and Highways.

Mr. Edgerton, pursuant to notice, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to prohibit Gaming," approved April twenty-seventh, one thousand eight hundred and fifty-seven.

Read first and second times and referred to the Judiciary Committee.

Mr. Dickinson offered the following resolution:

Resolved, That the Post-Office Page and the Porter of the Senate, in the discharge of their respective duties, be placed under the immediate supervision and direction of the Sergeant-at-Arms.

Adopted.

Mr. Dickinson offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed to forward to the Governor a copy of all documents, bills, or other matter, that has been, or may be, ordered printed by the Senate.

Adopted.

On motion of Mr. Lansing, the usual number of copies of Senate Bill, No. 56, An Act to Regulate the Transmission of News for the use of the Public Press, over any line of Telegraph in this State, was ordered printed.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, February 1, 1860.

Mr. President — The Asembly yesterday adopted Assembly Concurrent Resolution, No. 43, Relative to Amendments to Constitution;

Also, Assembly Concurrent Resolution, No. 44, Relative to a Mail Route between Stockton and Mariposa;

Also, concurred in Senate Concurrent Resolution, No. 38, Relative to Printing the State Prison Report;

Also, refused to concur in Senate Concurrent Resolution, No. 33, Relative to Printing Report of State Registrar.

R. K. WESTON,

Assistant Clerk of Assembly.

President pro tem. in the Chair.

Assembly Concurrent Resolution, No. 43, Relative to Amendments to Constitution—was referred to the Judiciary Committee.

Assembly Concurrent Resolution, No. 44, Relative to a Mail Route between Stockton and Mariposa—was taken up and concurred in.

Assembly Chamber, February 31, 1860.

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Mr. President:—The Assembly on yesterday passed Assembly Bill, No. 74, An Act to fix the Compensation of the District Attorney of the County of Contra Costa:

County of Contra Costa; Also, Senate Bill, No. 7, An Act to authorize the Secretary of State to cause the issuance of Duplicates for certain lost State Bonds, with amendments;

Also, concurred in Senate Concurrent Resolution, No. 30, Relative to a

Fireman;

Also, concurred in Senate amendments to Assembly Bill, No. 16, An Act to amend an Act entitled "An Act to provide for the Support of the Indigent Sick of Yuba County," approved March thirty-first, one thousand eight hundred and fifty-six;

Also, Assembly Concurrent Resolution, No. 29, Relative to asking Congress for the formation of a new Land District in California.

R. K. WESTON,

Ass't Clerk of Assembly.

Assembly Bill, No. 74, An Act to fix the Compensation of the District Attorney of the County of Contra Costa—was read first and second times, and referred to the Senator from Contra Costa.

Mr. Bradley asked and obtained leave of absence for Mr. Eagon, for

two days.

Mr. Dickinson in the Chair.

The Senate concurred in Assembly amendments to Senate Bill, No. 7, An Act to authorize the Secretary of State to cause the issuance of Duplicates for certain lost State Bonds.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

State of California, Executive Department, Sacramento, January 31, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have this day approved Senate Bill, No. 59, An Act to extend the time for the Collection of State

and County Taxes in the County of Tulare;

Also, Senate Bill, No. 44, An Act authorizing the Board of Supervisors of Santa Clara County to issue a License for a Toll-Bridge across the Pajaro River, at Mal Paso, on the line between the Counties of Santa Clara and Monterey.

JOHN G. DOWNEY,

Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, January 31, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I approved, on January twenty-eighth, one thousand eight hundred and sixty, Senate Concurrent Resolution, No. 28, Instructing our Senators, and requesting our Representatives in Congress, to ask an appropriation for additional Mail facilities, etc.;

Also, Senate Concurrent Resolution, No. 26, Instructing our Senators, and requesting our Representatives in Congress, to use their influence with the United States Postmaster-General to have all future contracts, for the transmission of ocean mails, made with such parties and over such routes as will secure the greatest dispatch in the transmission of

the mails to and from this State.

JOHN G. DOWNEY, Governor.

INTRODUCTION OF BILLS.

Mr. Merritt, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act concerning Passengers arriving in the Ports of this State," approved May third, one thousand eight hundred and fifty-two.

Read first and second times, and referred to the Judiciary Committee. Mr. Merritt, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to create the County of Merced, to define its Boundaries, and provide for its Organization," approved April nineteenth, one thousand eight hundred and fifty-five.

Read first and second times, rules further suspended, and-

On motion of Mr. Merritt, the consideration of the bill in Committee of the Whole, was dispensed with, bill considered engrossed, read a third

time and passed.

'Mr. Redman, pursuant to notice given on yesterday, moved to reconsider the vote by which the Senate refused to pass Assembly Bill, No. 30, An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State" so far as relates to the Counties of Santa Clara and San Joaquin.

Carried.

On motion of Mr. Redman, the vote by which said bill passed to its third reading, was reconsidered, and referred to the Committee on Finance.

GENERAL FILE.

Senate Bill, No. 49, An Act to fix the Compensation of the District Attorney of Napa County—was taken up, considered in Committee of the Whole, and amended.

IN SENATE

Amendments concurred in, bill ordered engrossed, and read a third time.

Senate Bill, No. 67, An Act to authorize the Courts of Record of this State to admit Herbert Chilien Jones as an Attorney and Counselor-at-Law—was considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of Committee concurred in, bill ordered

engrossed, and read a third time.

Senate Bill, No. 75, An Act to authorize County Courts to change names in certain cases, and to prohibit application to the Legislature therefor—was, on motion of Mr. Phelps, laid on the table.

Senate Bill, No. 70, An Act supplementary to an Act entitled "An Act to prevent the Trespassing of Animals upon Private Property," passed March thirty-first, one thousand eight hundred and fifty-five—was considered in Committee of the Whole.

IN SENATE.

Bill reported back, ordered engrossed, and read a third time. Senate Bill, No. 45, An Act to Audit and Allow the Claim of Britton & Rev—was considered in Committee of the Whole.

IN SENATE.

Bill reported back, ordered engrossed, and read a third time.

The report of the Finance Committee, Relative to the reports of Contingent Expenses of State Officers—was taken from the file, and adopted.

SPECIAL ORDER OF THE DAY.

Senate Bill, No, 48, An Act to appropriate Money to pay J. W. Lock-wood—was considered in Committee of the Whole.

IN SENATE.

Bill reported back, ordered engrossed, and read a third time.

REPORT.

Mr. Dent, Senator from Contra Costa, made the following report:

Mr. President:—The undersigned, to whom was referred Assembly Bill, No. 74, An Act to fix the Compensation of the District Attorney of Contra Costa County, have had the same under consideration, and report it back without amendment, and recommend its passage.

G. W. DENT.

Placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, Wednesday, February 1, 1860.

Mr. President:—The Assembly have this day passed Assembly Bill, No. 123, An Act to extend the time for the Tax Collectors of the Counties of Sutter and Napa to collect the Taxes in said Counties and make their final settlement with the Auditor.

R. K. WESTON,

Assistant Clerk of Assembly.

Assembly Bill, No. 123, An Act to extend the time for the Tax Collectors of the Counties of Sutter and Napa to collect the Taxes in said Counties and make their final settlement with the Auditor—was read first and second times, rules suspended, and considered in Committee of the Whole.

IN SENATE.

Bill reported back, read a third time, and passed.

Mr. Peachy, by leave, introduced a bill for an act, entitled An Act to ratify and confirm Order Number One Hundred and Seventy-Two of the Board of Supervisors of the City and County of San Francisco.

Read first and second times, and referred to the Judiciary Committee.

President in the Chair.

On motion of Mr. Dent, Assembly Bill, No. 74, An Act to fix the Compensation of the District Attorney of the County of Contra Costa—was taken from the file and considered in Committee of the Whole.

IN SENATE.

Bill reported back, read a third time, and passed.

On motion of Mr. Parks the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

Senate Chamber, Thursday, February 2, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Chase, presented a petition from citizens of Nevada County, pray-

ing for the passage of a Sunday Law.

Mr. Sharp, presented a petition from the Trustees of the Ladies' Protection and Relief Society, praying for an appropriation of five thousand dollars for their benefit;

Also, by leave, introduced a bill for an act entitled An Act appropriating Moneys for the benefit of the San Francisco Ladies' Protection and

Relief Society-

Read first and second times, and referred to Committee on Public Ex-

penditures.

Mr. Watkins, Chairman of the Committee on Claims, made the following report:

Mr. President:—The Committee on Claims, to whom was referred Senate Bill No. 30, An Act for the relief of Joshua D. Crippen, Sheriff of Mariposa County, having had the same under consideration, beg leave to report it back, and recommend its passage.

H. P. WATKINS, Chairman.

Placed on file.

Mr. Sharp, presented the Memorial of John Center, claiming a part of the lands and present property at the State Prison;

Read and referred to the Committee on State Prison and Public

Buildings.

Mr. Parks, Chairman of the Committee on Public Morals, made the following report:

Mr. PRESIDENT:—Your Committee on Public Morals, to whom was referred Assembly Bill, No. 112, An Act to change the name of Mary Louisa Muller;

Also, An Act to change the name of William C. Perry to William C. Miller, have had the same under consideration, and beg leave to report them back to the Senate, without recommendation.

W. H. PARKS,

Chairman.

Placed on file.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills, have examined Senate Bill No. 49, An Act to fix the Compensation of the District Attorney of Napa County, and find the same correctly engrossed.

Chairman.

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Mr. Sharp, of the San Francisco and San Mateo Delegation, made the following report:

Mr. President:—The undersigned, members of the delegation to whom was referred substitute to Assembly Bill, No. 17, An Act to grant to certain parties the right to construct a road from Larkin Street to Point Lobos, in the city and county of San Francisco, have had the same under consideration, and report the same back with the annexed amendments, and recommend its passage as amended:

Amend section first by adding a proviso as follows:

Provided, said company shall, at their own expense, and free of charge or cost to said city, grade, and plank, pave or McAdamize, and keep in good repair during the period mentioned in section sixth of this act, under the direction and supervision, and to the satisfaction of the Superintendent of Streets and Highways of the city and county of San Francisco, any and all streets of said city west of Larkin Street, and within the said boundaries of said city, on upon, or along which the said road may be constructed.

Amend section second so as to read as follows:

Section 2. Said company shall grade, or plank, pave, or McAdamize, entirely at their own expense, and keep in good repair during the time specified in section sixth of this act, the entire line of road constructed by them in accordance with this act; said road shall be not less than thirty feet in width, except within the limits or boundaries of said city of San Francisco, as defined in section first of this act; within said boundaries the said road shall be of the full width of any street or streets on or upon which the same may be constructed.

Amend section sixth, line three, by striking out the word "fifteen," and

inserting in lieu thereof, the word "ten;"

Also, amend section sixth, line sixteenth, by striking out all after the

word "demand," on said line.

Amend section seventh, line eleventh, by striking out words "without the consent of the municipal authorities of said city and county first obtained."

SOLOMON A. SHARP, ARCHIBALD C. PEACHY.

Placed on file.

Mr. Dent, by leave, introduced a bill for An Act providing for the disposition and reclamation of the Swamp and Overflowed Lands donated to this State by the United States.

Read first and second times, and referred to the Committee on Swamp

and Overflowed Lands.

Mr. Logan, pursuant to notice, introduced a bill for an act entitled An Act to create the office of State Geologist, and define the duties thereof.

Referred to the Committee on Mines and Mining Interests.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act to amend "An Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation," approved April nineteenth, one thousand eight hundred and fifty-six.

Read first and second times, and referred to the Judiciary Committee.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act to
amend "An Act to regulate Proceedings in Civil Cases," passed April
twenty-ninth, one thousand eight hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Sharp, the usual number of copies of Senate Bill, No. 82, An Act amendatory of, and supplementary to, an Act entitled "An Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the Payment of the same," passed May first, one thousand eight hundred and fifty-one, were ordered printed.

Mr. Ballou, Chairman of the Committee on Mileage, made the follow-

ing report:

Mr. President:—The Committee on Mileage, report the sum due Senators McDonald, Parker, Leet, De la Guerra, Dent, Ryan, and Vance, as mileage in traveling to and from the State Prison, in an official capacity, at fifty-two dollars each.

BALLOU, Chairman.

On motion of Mr. Ballou, the rules were suspended, and the report just read was taken up and adopted.

Mr. Merritt, Chairman of the Judiciary Committee, made the following

report:

Mr. President:—The Judiciary Committee, to whom was referred the petition of Trustum C. Gilman, praying the passage of a law to compel the Board of Supervisors of the County of Contra Costa to levy a special Tax, for the purpose of paying a certain judgment recovered by him

against said county, beg leave to report:

That they have examined the facts presented in said petition, and find that the petitioner on the twenty-second of March, one thousand eight hundred and fifty-six, recovered a judgment in the District Court of the Seventh Judicial District, against the County of Contra Costa, for the said of twenty thousand four hundred and twenty-seven dollars; that said county appealed from the judgment so rendered to the Supreme Court of this State, upon which appeal said judgment was in all respects affirmed; that said judgment still remains on record, unsatisfied and unchanged, and that no part thereof has yet been paid to said Gilman, or to any person entitled thereto. From these facts your committee are satisfied that said Gilman has a just and legal claim upon the county of Contra Costa to the amount of said judgment, together with accruing interest and costs, and that the same ought to be paid.

As the law now stands the judgment creditor has no remedy by which he can enforce the payment of his debt, and there does not appear to be any goon reason founded in law, equity, or good morals, why a county

should be exempted from the payment of its just debts.

In accordance with these views, your committee herewith report a bill which contains ample provision, in their opinion, for the gradual payment and liquidation of said judgment, without working any injustice to the county or its inhabitants.

All of which is respectfully submitted.

MERRITT, Chairman.

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Mr. Merritt, Chairman of the Judiciary Committee, introduced a bill for an act entitled An Act for the payment of a Judgment in favor of Trustum C. Gilman against the County of Contra Costa.

Read first and second times, and placed on file.

GENERAL FILE.

Senate Bill, No. 49, An Act to fix the Compensation of the District Attorney of Napa County-was read a third time and passed.

Senate Bill, No. 30, An Act for the Relief of Joshua D. Crippen, Sheriff

of Mariposa County-was considered in Committee of the Whole.

IN SENATE.

Bill reported back, rules suspended, considered engrossed, read a third time and passed.

Assembly Bill, No. 112, An Act to change the name of Mary Louisa

Muller-was considered in Committee of the Whole.

IN SENATE.

Bill reported back, read a third time and passed.

Senate Bill, No. 68, An Act to change the name of William C. Perry to that of William C. Miller-was on motion of Mr. Dickinson, laid on the

Assembly Bill, No. 17, An Act to grant to certain Parties the right of constructing a Road to Point Lobos, in the City and County of San Francisco-was considered in Committee of the Whole.

Pending which, the hour having arrived for the special order of the day—the Governor's Message, on confirmation of C. M. Hitchcock, as Fund Commissioner for the City of San Francisco—was taken up.

On motion of Mr. Lansing, the Senate went into Executive Session, for the purpose of considering the nomination of C. M. Hitchcock as Fund Commissioner.

Mr. Merritt moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Edgerton, McDonald, and Ryan.

The Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Watkins, further proceedings under the call were dispensed with.

The question being on the confirmation of C. M. Hitchcock as Fund Commissioner for the City of San Francisco, on motion of Mr. Leet, the Senate went into secret session.

On motion of Mr. Clark, the whole subject matter was postponed to

first day of March.

The President ordered the doors opened.

FURTHER SPECIAL ORDERS OF THE DAY.

Senate Bill, No. 26, An Act to provide for the Report and Publication of the Decisions of the Supreme Court, was taken up, and-

On motion of Mr. Merritt, was referred to the Judiciary Committee. Senate Bill, No. 79, An Act to Release the Sureties on certain Bondswas taken up, rules suspended, considered engrossed, read a third time and passed.

On motion of Mr. Merritt, Senate Billl, No. 90, An Act providing for the payment of a Judgment in favor of Trustum C. Gilman against the County of Contra Costa-was made the special order of the day for Thursday next, at twelve, M.

On motion of Mr. Peachy, the Forty-Fifth Standing Rule of the Senato was suspended, and the Secretary authorized to immediately transmit to

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the Assembly Senate Bill, No. 79, An Act to Release the Sureties on a certain Bond.

Mr. Peachy, by leave, introduced a bill for an act entitled An Act to authorize the City and County of San Francisco to settle certain Claims.

Read first and second times, and referred to the Judiciary Committee. On motion of Mr. Parker, Assembly Bill, No. 17, An Act to grant to certain Parties the right of constructing a Road to Point Lobos, in the City and County of San Francisco—was taken up, and recommitted to the San Francisco and San Mateo Delegation.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the

following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 84, An Act to amend an Act entitled "An Act to create the County of Merced, to define its Boundaries, and to provide for its Organization;"

Also, Senate Bill, No. 67, An Act to authorize the Courts of Record of this State to admit Herbert Chilien Jones as an Attorney and Counselor-

at-Law;

Also, Senate Bill, No. 48, An Act to appropriate Money to pay J. W. Lockwood.

And find the same correctly engrossed.

DENT, Chairman.

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On motion of Mr. Merritt, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Friday, February 3, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Peachy presented a petition from the Chamber of Commerce of San Francisco, praying for the repeal of the present Pilot Law.

Referred to Committee on Commerce and Navigation.

Mr. Anderson presented a petition from citizens of Placer County, praying for the passage of a Sunday Law.

Referred to Committee on Public Morals.

REPORT.

Mr. Merritt, Chairman of the Committee on Judiciary, made the following report:

Mr. PRESIDENT:—The Judiciary Committee, to whom was referred Senate Bill, No. 83, entitled An Act to amend an Act entitled "An Act

concerning Passengers arriving in the Ports of this State," approved May third, one thousand eight hundred and fifty-two, have had the same under consideration, and report the bill back with the following amendment, and recommend its passage as amended:

Amend section second, by striking it out, and to read as follows:

Section 2. The office of Commissioner of Immigrants is hereby abolished, and the duties heretofore devolving on that officer shall hereafter be performed by the Superintendent of Immigration, created by this act. All books, papers, records, and accounts, belonging to the office of said Commissioner of Immigrants, shall be delivered over to the Superintend-of Immigration, who shall have the care custody, and control of the same.

Your committee have also had under advisement Senate Bill, No. 35, An Act to Appropriate Money to pay William T. Barbour, and report the

bill back.

Messrs. Merritt and Anderson recommend its passage.

Messrs. Peachy, Wheeler, and Edgerton recommend that the bill do not

Also, Senate Bill, No. 93, entitled An Act to authorize the City and County of San Francisco to settle certain Claims, have had the same under consideration, and report the bill back and recommend its passage.

Your committee have also had under advisement Senate Bill, No. 53, entitled An Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society to bind as Apprentices, Clerks, and Servants, Orphan and half Orphan Children under their care and tuition, and report the bill back and recommend its passage.

Your committee have also had under consideration Senate Bill, No. 65, entitled An Act concerning District Court Reporters, and report the bill

back and recommend its passage.

Your committee have also had under advisement Assembly Concurrent Resolution, No. 43, Relative to amendments to the Constitution, and report it back with the recommendation that the same be indefinitely postponed.

Respectfully submitted.

MERRITT.

Chairman.

Placed on file.

Mr. Parks, of Committee on Enrolled Bills, made the following report :

Mr. PRESIDENT:—The Committee on Enrolled Bills have examined Senate Bill, No. 7, An Act to authorize the Treasurer of State to cause the issuance of Duplicates for certain lost State Bonds;

Also, Senate Concurrent Resolution, No. 38, Regarding the Printing of

the Report of the State Prison Directors;

Also, Senate Concurrent Resolution, No. 32, Regarding the Printing of the Report of the State Registrar;

Also, Senate Concurrent Resolution, No. 30, Relative to the Pay of Mi-

chael Martin from the Contingent Fund of the two Houses.

And found the same correctly enrolled, and have this day presented the same to the Governor for his approval.

W. H. PARKS,

For Committee.

Mr. Edgerton, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

Mr. President:—The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill, No. 18, entitled An Act to authorize Martha Buckelew and her assigns to build a Wharf at Agnes Island, in Marin County, have had the same under consideration, and report the same back to the Senate, recommending its passage.

HENRY EDGERTON, Chairman.

Placed on file.

Mr. Parks, Chairman of the Committee on Public Morals, made the following report:

Mr. President:—Your Committee on Public Morals, to whom was referred Senate Bill, No. 57, An Act to repeal an Act entitled "An Act to provide for the Appointment of a Gager for the Port of San Francisco," passed May third, one thousand eight hundred and fifty-two, have had the same under consideration, and report it back to the Senate, without amendment, and recommend its passage.

W. H. PARKS, Chairman.

Placed on file.

Mr. Peachy, Chairman of the Coumittee on Commerce and Navigation, made the following report:

Mr. PRESIDENT:—The Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 9, entitled An Act to Afford Protection to Immigrants to California, report that they have duly considered said bill and recommend its passage.

ARCHIBALD C. PEACHY,

Chairman.

Placed on file.

Mr. Phelps, Chairman of the Committee on Roads and Highways, made the following report:

Mr. President:—The Committee on Roads and Highways, to whom was referred Assembly Bill, No. 8, An Act to amend an Act entitled "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and fifty-eight, have had the same under consideration and report the same back without recommendation.

PHELPS, Chairman.

Placed on file.

Mr. Phelps, of the San Francisco and San Mateo Delegation, made the following report:

Mr. President:—The San Francisco Delegation, to whom was referred Assembly Bill, No. 17, An Act to grant to certain parties the right of Constructing a Road to Point Lobos, in the City and County of San Francisco, have had the same under consideration and recommend the passage of the same without amendment.

PHELPS,

For the Delegation.

Placed on file.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. PRESIDENT:-The Committee on Engrossed Bills have examined Senate Bill, No. 30, An Act for the Relief of Joshua D. Crippen, Sheriff of Mariposa County;
Also, Senate Bill, No. 45, An Act to Audit and Allow the the Claim of

Britton & Rey;
Also, Senate Bill, No. 70, An Act supplementary to an Act entitled "An Act to prevent the Trespassing of Animals upon Private Property," passed March thirty-first, one thousand eight hundred and fifty-five.

And find the same correctly engrossed.

DENT. Chairman.

Mr. Edgerton made the following report:

Mr. PRESIDENT :- The undersigned, to whom was referred Assembly Bill, No. 41, An Act supplemental to an Act entitled "An Act to repeal the several Acts incorporating the City of Benicia, and to provide for the Government thereof," approved April eighteenth, one thousand eight hundred and fifty-nine, has had the same under consideration and recommends its passage.

HENRY EDGERTON.

Placed on file.

Mr. Dickinson, of the Committee on Public Expenditures, made the report:

Mr. PRESIDENT: - The Committee on Public Expenditures recommend the payment of the following bill for copying done for the Senate, from the Copying Fund:

STATE OF CALIFORNIA,

To J. R. Beard, Secretary of the Senate, Dr.:

Character of Work.	Folios.	Amount per Folio.	Amount.
For Copying Report of Superintendent of Public Instruction, for Printer For Copying Report of State Prison Directors For Copying Senate Bill, No. 56 For Copying Senate Bill, No. 82	760 180	10	\$76 00 18 00 1 50 2 00
Totals	975		\$97 50

DICKINSON,

For Committee.

On motion of Mr. Dickinson, the rules were suspended and the report just read was taken up and adopted.

Mr. Peachy, by leave, introduced a bill for an act entitled An Act to grant to certain parties the right of constructing a Road from Larkin Street to Point Lobos in the City and County of San Francisco.

Read first and second times and referred to the San Francisco Delega-

tion.

Mr. Edgerton, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act concerning Fraudulent Conveyances,'" passed April nineteenth, one thousand eight hundred and fifty, approved April ninth, one thousand eight hundred and fifty-six.

Read first and second times and referred to the Judiciary Committee. Mr. Parks, by leave, introduced a bill for an act entitled An Act for

Opening and Repairing Roads in the County of Sutter.

Read first and second times and referred to the Committee on Roads and Highways.

Mr. Ballou, Chairman of the Committee on Mileage, made the following report:

Mr. President:—The Committee on Mileage, report the sum due Senators Titus, Vance, Franklin, Watson, and Crittenden, each, as mileage, in traveling to and from the State Hospital, in the performance of committee duties, to be eighteen dollars, payable out of the Contingent Fund of the Senate.

BALLOU, Chairman.

2:

On motion of Mr. Ballou, the rules were suspended, and the report just read was taken up and adopted.

Mr. Wheeler asked and obtained leave of absence for Mr. Ryan for

two days.

On motion of Mr. Dickinson, Senate Bill, No. 68, An Act to change the name of William C. Perry, to William C. Miller—was taken from the table and considered now.

On motion of Mr. Titus, the rules were suspended, bill considered en-

grossed, read a third time and passed.

GENERAL FILE.

Senate Bill, No. 45, An Act to Audit and Allow the Claim of Britton &

Rey-was read a third time and passed.

Senate Bill, No. 70, An Act supplementary to an Act entitled "An Act to prevent the trespassing of Animals upon Private Property," passed March thirty-first, one thousand eight hundred and fifty-five—was read a third time and passed.

Senate Bill, No. 67, An Act to authorize the Courts of Record of this State to admit Herbert Chilien Jones as an Attorney and Counselor-at-

Law—was read a third time and passed.

Senate Bill, No. 48, An Act to appropriate Money to pay J. W. Lock-

wood-was read a third time and passed.

Senate Bill, No. 83, An Act entitled An Act to amend an Act entitled "An Act concerning Passengers arriving in the Ports of this State," approved May third, one thousand eight hundred and fifty-two—was considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments of committee concurred in, considered engrossed, read a third time and passed.

On motion of Mr. Merritt, the title of the bill just passed was amended

by striking out "An Act entitled."

On motion of Mr. Chase, Senate Bill, No. 35, An Act to appropriate Money to pay W. T. Barbour—was made the special order of the day for Friday, February tenth, at twelve, M.

RESOLUTION.

Mr. Parker offered the following resolution:

Resolved, That when the Senate adjourns this day, the adjournment shall be until eleven o'clock on Tuesday next.

Upon the passage of the resolution Messrs. Merritt, Parks, and Titus, demanded the ayes and noes, with the following result: Ayes, 14—noes, 14:

Aves — Messrs. Bradley, Ballou, De la Guerra, Eagon, Edgerton, Haynes, Lansing, Leet, Logan, Parker, Peachy, Quinn, Titus, and Watson—14.

Noes-Messrs. Anderson, Chase, Dent, Dickinson, Franklin, McDonald, Merritt, O'Farrell, Parks, Phelps, Redman, Vance, Watkins, and Wheeler-14.

The President announced the vote as fourteen in the affirmative, and fourteen in the negative.

Mr. Vance asked to change his vote.

Mr. Dickinson rose to a point of order: That the President having announced the vote, no Senator has a right to change his vote, except by unanimous consent.

The President decided that announcing the vote fourteen ayes and fourteen noes was not a decision, until he stated to the Senate that the resolution was passed or adopted. Therefore, the point of order of Mr. Dickinson was not well taken.

Mr. Merritt asked and obtained leave to have his vote changed from

the negative to the affirmative.

Mr. Watkins asked and obtained leave to have his vote changed from the negative to the affirmative.

The resolution was then adopted.

Mr. Merritt gave notice that he would on to-morrow move for a reconsideration of the vote just taken.

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 12, An Act extending the privileges of the Homestead Law to certain Persons and to regulate the creation of the same—was, on motion of Mr. Watson, made the special order of the day for Tuesday, Frbruary fourteenth, one thousand eight hundred and sixty.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

February 3, 1860. Mr. President:—The Assembly on yesterday passed Senate Bill, No. 13, An Act to authorize the Administrator of the Estate of Samuel J. Crosby, Deceased, to sell and convey Real Estate;

Also, Senate Bill, No. 28, An Act for the Relief of Purchasers of Real Estate at sales made by Public Administrators.

R. K. WESTON.

Assistant Clerk of Assembly.

GENERAL FILE RESUMED.

Senate Bill, No. 93, An Act to authorize the City and County of San Francisco to settle certain Claims-was considered in Committee of the Whole.

IN SENATE.

Bill reported back, rules suspended, bill considered engrossed, read a third time and passed.

Mr. De la Guerra moved that the Senate do now adjourn.

Upon which, the ages and noes were demanded, by Messrs. Merritt, Parks, and Dickinson, with the following result: Ayes, 9-noes, 15:

Ayes-Messrs. Anderson, Bradley, Ballou, Chase, De la Guerra, Edger-

ton, Peachy, Watson, and Wheeler-9.

Noes-Messrs. Dent, Dickinson, Franklin, Havnes, Logan, McDonald, Merritt, O'Farrell, Parks, Phelps, Quinn, Redman, Titus, Vance, and Watkins-15.

Mr. Merritt moved to reconsider the vote by which the Senate adopted the resolution relative to adjourning to Tuesday.

Pending which, Mr. Watson moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Clark, Lansing, Leet, and Peachy. The Sergeant-at-Arms was dispatched for absentees.

On motion of Mr. Merritt, further proceedings under the call were dispensed with.

The question recurring on the motion to reconsider the vote relative

to adjournment, the question was put and carried.

On motion of Mr. Merritt, the resolution was amended by striking out the words "this day," and inserting in lieu thereof "to-morrow."

The resolution as amended was then adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, February 3, 1860.

Mr. President:-The Assembly on vesterday passed Assembly Bill, No. 84, An Act providing for the Transfer of certain Funds of the City and County of Sacramento;

Also, adopted Assembly Concurrent Resolution, No. 45, Relative to increase of Committee on Constitutional Amendments, and ask the con-

currence of the Senate.

R. K. WESTON,

Assistant Clerk Assembly.

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Assembly Bill, No. 84, An Act providing for the Transfer of certain

Funds of the City and County of Sacramento-was read first and second

times, and referred to the Sacramento Delegation.

Assembly Concurrent Resolution, No. 45, Relative to increase of Committee on Constitutional Amendments—was taken up and concurred in.

GENERAL FILE RESUMED.

Senate Bill, No. 53, An Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society to bind as Apprentices, Clerks, and Servants, Orphan and half Orphan Children under their care and tuition—was considered in Committee of the Whole.

President pro tem. in the Chair.

IN SENATE.

Bill reported back, ordered engrossed, and read a third time.

On motion of Mr. Merritt, the Forty-Fifth Standing Rule of the Senate was suspended, and the Secretary authorized to immediately transmit to the Assembly Senate Bill, No. 83, An Act to amend an Act entitled "An Act concerning Passengers arriving in the Ports of this State," approved May third, one thousand eight hundred and fifty-two.

Mr. Sharp, Chairman of the Committee on Public Expenditures, made

the following report:

Mr. President:—Your Committee on Public Expenditures have examined the copying done for the Senate, and find the same as follows:

To Copying done for Printer, 965 folios	\$96 50 144 75
Total	\$241 25

Examined, audited, and allowed.

SOL. A. SHARP, Chairman.

Assembly Concurrent Resolution, No. 43, Relative to Amendments to Constitution—was taken up, and—

On motion of Mr. Chase, referred to Joint Committee on Printing.

Mr. Wheeler moved to reconsider the vote by which Assembly Bill, No. 84, An Act providing for the Transfer of certain Funds of the City and County of Sacramento was referred to the Sacramento Delegation.

On motion of Mr. Phelps, Assembly Bill, No. 8, An Act to amend an Act entitled "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and fifty-eight—was taken from file, and considered in Committee of the Whole and amended.

IN SENATE.

Bill reported back, amendments of the committee concurred in, bill read a third time and passed.

On him to of Mr. Test Mr. Figure was selected to the Commission of

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Also, substitute for Senate Bill, No. 52, An Act to amend an Act entitled "An Act concerning Courts of Justice of this State, and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three;

Also, Senate Bill, No. 55, An Act to give effect to Patents for Lands

issued in the names of deceased persons;

Also, Assembly Bill, No. 86, An Act to grant the right to construct a Bridge across the American River, at its mouth, to parties therein mentioned;

Also, Assembly Bill, No. 98, An Act to amend "An Act supplementary to an Act entitled 'An Act to fund the Debt of Siskiyou County,'" approved April twenty-ninth, one thousand eight hundred and fifty-seven, and amended and approved February twenty-second, one thousand eight hundred and fifty-eight;

Also, Assembly Bill. No. 110, An Act to grant the right to convey Water, in pipes, to supply the Inhabitants of the Town of Red Bluff;

Also, adopted Assembly Concurrent Resolution, No. 46, Relative to a

Mail Route between Oroville and Quincy;

Also, Assembly Concurrent Resolution, No. 47, Relative to donating

Public Land to actual Settlers;

Also, concurred in Senate amendments to Assembly Bill, No. 8, An Act to amend an Act entitled "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and fifty-eight.

R. K. WESTON, Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 86, An Act to grant the right to construct a Bridge across the American River, at its mouth, to parties therein mentioned—read first and second times, and referred to the Committee on Com-

merce and Navigation.

Assembly Bill, No. 98, An Act to amend "An Act supplementary to an Act entitled 'An Act to fund the Debt of Siskiyou County,'" approved April twenty-ninth, one thousand eight hundred and fifty-seven, and amended and approved February twenty-second, one thousand eight hundred and fifty-eight—read first and second times and referred to the Senator from Siskiyou.

Assembly Bill, No. 110, An Act to grant the right to convey Water, in pipes, to supply the Inhabitants of the Town of Red Bluff—read first and second times, and referred to the Committee on Internal Improve-

ments

Assembly Concurrent Resolution, No. 46, Relative to Mail Route between Oroville and Quincy—taken up and concurred in.

Assembly Concurrent Resolution, No. 47, Relative to donating Public Lands to actual Settlers—

On motion of Mr. Anderson, the resolution was amended by inserting after the word "public," in the tenth line, the word "Agricultural."

Mr. McDonald moved to strike out after the words "one hundred and sixty acres or more."

Lost.

The question being on the passage of the resolution, the ayes and noes were demanded by Messrs. Vance, Ballou, and Logan, with the following result: Ayes, 22—noes, none:

AYES-Messrs. Anderson, Bradley, Ballou, Clark. Chase, Dent, Dickinson, Eagon, Franklin, Haynes, Lausing. Logan, McDonald, O'Farrell, Parks, Quinn, Redman, Titus, Vance, Watkins, Watson, and Wheeler—22. Noes-None.

So the resolution, as amended, was adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, February 4, 1860.

Mr. President:—The Assembly, on yesterday, passed Senate Bill, No. 17, An Act for the relief of A. D. Park, late County Treasurer of El Dorado County.

R. K. WESTON, Assistent Clerk of Assembly.

INTRODUCTION OF BILLS.

Mr. Watson, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers," approved May nineteenth, one thousand eight hundred and fifty-three, and An Act amendatory thereof, approved April thirteenth, one thousand eight hundred and fifty-four.

Read first and second times, and referred to the Judiciary Committee.
Mr. Watson, by leave, introduced a bill for an act entitled An Act to
amend an Act entitled "An Act to regulate Proceedings in Criminal
Cases," approved May first, one thousand eight hundred and fifty-one.

Read first and second times, and referred to the Judiciary Committee. Mr. Titus, Chairman of the Committee on Hospitals, made the following report:

Mr. President:—The Committee on State Hospitals, to whom was referred Senate Bill, No. 5, An Act to authorize the establishment of County Infirmaries for the Relief of the Indigent, and to amend an Act entitled "An Act to provide for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five;

Also, so much of the Governor's Annual Message as relates to the Hospital Fund, Poor Houses, etc., having examined the same, and believing the bill to fully embrace the recommendations found on page nine, of said Message, respectfully report it back and recommend its passage.

J. S. TITUS, Chairman.

Placed on file.

On motion of Mr. Titus, the report of the Committee on Public Expenditures, relative to copying done for the Senate, was taken up and adopted.

Mr. Watson, moved to reconsider the vote by which the Senate, on

Friday, adopted a resolution to adjourn until Tuesday.

Mr. Ballou moved to lay on the table.

Lost.

Mr. Ballou moved a call of the Senate.

Lost.

The question recurring on the motion to reconsider, it was lost.

Mr. Anderson asked and obtained leave of absence for Mr. Leet, for one day.

SPECIAL OREER OF THE DAY.

Senate Bill, No. 50, An Act for the relief of Otis Brett-was taken up, and on motion of Mr. Franklin, was laid on the table.

GENERAL FILE.

Senate Bill, No. 65, An Act concerning District Court Reporters—was

taken up, and laid on the table.

Senate Bill, No. 18, An Act to authorize Martha Buckelew, and her assigns, to build a Wharf at Agnes Island, in Marin County—considered in Committee of the Whole.

IN SENATE.

Bill reported back, ordered engrossed, and read a third time. Senate Bill, No. 9, An Act to afford Protection to Immigrants to California—considered in Committee of the Whole.

IN SENATE.

Bill reported back, ordered engrossed and read a third time.

Assembly Bill, No. 41, An Act supplemental to an Act entitled "An Act to repeal the several acts Incorporating the City of Benicia, and to provide for the Government thereof," approved April eighteenth, one thousand eight hundred and fifty-nine—considered in Committee of the Whole.

IN SENATE.

Bill reported back and laid on the table.

On motion of Mr. Ballou, Senate Bill, No. 75, An Act to authorize County Courts to Change Names in certain cases, and to prohibit application to the Legislature therefor—was taken from the table.

Mr. Ballou offered a substitute, which was made the special order of the

day for Wednesday, February eighth, at 12, M.

On motion of Mr. Logan, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: DAVID J. WILLIAMSON, Assistant Secretary of the Senate.

IN SENATE.

Senate Chamber, Tuesday, February 7, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent-Mr. Clark.

Journal of Saturday read and approved.

Mr. Vance asked and obtained indefinite leave of absence for Mr. Beard, Secretary of the Senate, on account of sickness.

Mr. Dickinson presented sundry accounts of the Sergeant-at-Arms, for newspapers furnished the Senate, which were referred to the Committee on Contingent Expenses.

REPORT.

Mr. Vance, of Committee on Public Morals, made the following minority report:

Mr. President:—The undersigned, from the Committee on Public Morals, to whom was referred Senate Bill, No. 57, An Act to abolish "An Act creating the office of Liquor Gager for the Port of San Francisco," beg

leave to submit the following minority and adverse report:

We see no reason whatever why said office should be abolished, but many good and valuable arguments why said act should remain in our statute books. While it is true that the individual who is so fortunate as to hold said office receives a handsome compensation, yet it costs the State nothing, it only adds a little to the additional cost of the liquor bought and sold, which within itself has no evil tendency, from the fact the more liquors cost the less they are used.

Further, we believe it protects the unwary, in many instances, from

imposition, both as to kind and quality.

Therefore, we recommend the indefinite postponement of the bill.

J. M. VANCE, J. J. FRANKLIN, From Committee on Public Morals.

Placed on file.

Mr. Dent, Chairman of Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 9, An Act to afford Protection to Immigrants to California;

Also, Senate Bill, No. 18, An Act to authorize Martha Buckelew and

her assigns to build a Wharf at Agnes Island in Marin County;

Also, Senate Bill, No. 53, An Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society to bind as Apprentices, Cierks, and Servants, Orphan and Half Orphan Children under their care and tuition:

Also, Senate Bill, No. 68, An Act to change the name of William C.

Perry to that of William C. Miller;

Also, Senate Bill, No. 93, An Act to authorize the City and County of San Francisco to settle certain Claims.

And find the same correctly engrossed.

DENT, Chairman. 200

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:49

V

Y;

Report accepted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, February 7, 1860.

Mr. President:—The Assembly, on the second instant, passed Assembly Bill, No. 52, An Act to extend "An Act to prevent Stallions from run-

ning at large in the County of Sacramento," approved March twentyninth, one thousand eight hundred and fifty-nine;

Also, passed Assembly Bill, No. 89, An Act to change the name of

Franklin Ralf Jones to Franklin Ralf;

Also, on Saturday the fourth, passed Senate Bill, No. 83, An Act to amend an Act entitled "An Act concerning Passengers arriving in the Ports of this State," approved May third, one thousand eight hundred and fifty-two.

R. K. WESTON,
Ass't Clerk Assembly.

Assembly Bill, No. 52, An Act to extend "An Act to prevent Stallions from running at large in the County of Sacramento," approved March twenty-ninth, one thousand eight hundred and fifty-nine—was read first and second times.

Mr. Watkins moved to refer to the Committee on Public Morals.

Upon which the ayes and noes were demanded by Messrs. Vance, Lansing, and O'Farrell, and taken with the following result: Ayes, 5—noes, 18.

AYES—Messrs. Lansing, Leet, Merritt, Redman, and Watkins—5. Noes—Messrs. Anderson, Bradley, Chase, Crittenden, Dent, Dickinson, Franklin, Haynes, Kirkpatrick, Logan, McDonald, O'Farrell, Phelps, Pico, Quinn, Ryan, Vance, and Watson—18.

So the motion was lost.

On motion of Mr. McDonald, the bill was referred to the Committee on

Agriculture.

Assembly Bill, No. 89, An Act to change the name of Franklin Ralf Jones to Franklin Ralf—was read first and second times and referred to Committee on Public Morals.

On motion of Mr. Anderson, Senate Bill, No. 65, An Act concerning District Court Reporters, was taken from the table and considered in Committee of the Whole.

Pending which, Mr. Bradley moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Ballou, Clark, Eagon, Edgerton, Peachy, Sharp, Titus, and Vance.

The Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Dickinson, further proceedings under the call were dispensed with.

The consideration in Committee of the Whole of Scnate Bill, No. 65, was resumed.

SPECIAL ORDERS OF THE DAY.

Scnate Bill, No. 56, An Act to regulate the Transmission of News for the use of the Public Press over any line of Telegraph in this State;

Also, Assembly Bill, No. 17, An Act to grant to certain parties the right of Constructing a Road to Point Lobos in the City and County of San Francisco—

Were, on motion of Mr. Merritt, laid on the table.

Consideration in Committee of the Whole resumed on Senate Bill, No. 65.

IN SENATE.

Bill reported back, and-

On motion of Mr. Dickinson, the further consideration of the bill was made the special order for Thursday next at twelve, M.

On motion of Mr. Merritt, the special orders of the day were taken

from the table.

Mr. Dickinson in the Chair.

SPECIAL ORDER.

Senate Bill, No. 56, An Act to regulate the Transmission of News for the use of the Public Press over any line of Telegraph in this State-was taken up and considered in Committee of the Whole.

IN SENATE.

Bill reported back.

Mr. Chase offered a substitute.

Mr. Watkins moved to recommit the bill, together with the substitute. to the Judiciary Committee, with special instructions.

Lost.

On motion of Mr. Merritt, the bill and substitute were referred to the Committee on Corporations.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,) Sacramento, February 7, 1860.

To the Honorable the Senate of California:

I hereby nominate and appoint Amos Noves, a Port-Warden for the

Port of San Francisco, vice Horace Austin, resigned;
I, also, nominate and appoint Robert Haley, a Port-Warden for the Port of San Francicco, vive Henry M. Benson, resigned-

And respectfully ask the confirmation of your Honorable Body. JOHN G. DOWNEY,

On motion of Mr. Merritt, the Forty-Sixth Rule was suspended, for the purpose of considering so much of the Governor's Message as relates to the appointment of Robert Haley, as Port-Warden of San Francisco.

On motion of Mr. Phelps, the Senate went into executive session. The question being on the confirmation of Mr. Haley as Port Warden for the Port of San Francisco, the roll was called with the following result:

Ayes, 23—noes, none:

Ayes-Messrs. Anderson, Bradley, Chase, Crittenden, Dent, Dickinson, Eagon, Franklin, Haynes, Lansing, Logan, McDonald, Merritt, O'Farrell, Phelps, Quinn, Redman, Ryan, Sharp, Vance, Watkins, Watson, and Wheeler-23.

NoEs-None.

So the nomination was confirmed.

On motion of Mr. Sharp, the further consideration of the message was made the special order for Thursday next at half past eleven, A. M.

REPORTS.

Mr. Parks, of the Committee on Enrollment, made the following report :

Mr. PRESIDENT:—The Committee on Eurollment have examined, and found correctly enrolled, Senate Bill, No. 28, An Act for the relief of purchasers of Real Estate at sales made by Public Administrators;

Also, An Act to authorize the Administrator of the E-tate of Samuel

J. Crosby, Deceased, to sell and convey Real Estate;

Also, An Act for the Relief of A. D. Park, late County Treasurer of El Dorado County;

Also, An Act fixing the time when General Laws shall take effect;

Also, An Act to give effect to Patents for Lands issued in the names of Deceased Persons;

Also, Senate Bill, No. 85, An Act to amend an Act entitled "An Act concerning Passengers arriving in the Ports of this State," approved May third, one thousand eight hundred and fifty-two;

Also, An Act for the Relief of the Heirs of David Morgan.

All of which have been this day presented to the Governor for his approval.

W. H. PARKS,

For the Committee.

Accepted.

Mr. Sharp, Chairman of the Committee on Public Expenditures, made the following report:

Mr. President:—Your Committee on Public Expenditures, have examined the copying done for the Senate, and find the same as follows, up to this date:

Purpose.	Folios.	Per Folio.	Amount.
Senate Journal For Printer	70× 70×	15 ets. 10	\$106 20 70 80
Total			\$177 00

SOL. A. SHARP,

Examined, audited, and allowed, February seventh, one thousand eight hundred and sixty.

On motion of Mr. Sharp, the rules were suspended, and the report just

read, taken up and adopted.

Mr. McDonald asked and obtained leave of absence for Mr. Clark, for one day.

On motion of Mr. Vance, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of Senate.

17sen

IN SENATE.

Senate Chamber, Wednesday, February 8, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Absent-Mr. Edgerton.

Journal of yesterday read and approved.

PETITIONS.

Mr. Kirkpatrick presented a petition from citizens of Sierra County, praying for the passage of a Sanday Law.

Referred to the Committee on Public Morals.

Mr. Titus presented a polition from citizens of El Dorado County, praying for the passage of a Sunday Law.

Referred to the Committee on Public Morals.

REPORTS.

Mr. Vance, of the Committee on Public Morals, made the following report:

Mr. PRESIDENT:—The Committee on Public Morals, to whom was referred petitions from the several counties of this State, praying the passage of a law for the better observance of the Christian Sabbath as a day of rest, beg to say that they have taken the same under consideration, and report the same back, together with a bill for that purpose.

J. M. VANCE,

Of the Committee on Public Morals.

Placed on file.

Mr. Landing, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. PRESIDENT:—Your Committee on Contingent Expenses, to whom was referred certain accounts herein set forth, have examined the same, and recommend the payment thereof out of the Contingent Fund of the Senate:

Democratic Standard Bail & Curtis William Dougherty George J. Lytle		
Total	\$144	45

J. C. LANSING, Chairman.

Placed on file.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

Assembly Chamber, February 8, 1860.

Mr. President:—The Assembly on yesterday passed Assembly Bill, No. 77, An Act to amend an Act entitled "An Act concerning the office of Secretary of State," passed May fifteenth, one thousand eight hundred and fifty-four;

Also Assembly Bill, No. 83, An Act concerning Roads and Highways

in the Counties of Alameda and Santa Clara;

Also, on Friday, the third instant, passed Assembly Bill, No. 145, An Act to authorize the Board of Supervisors of Siskiyou County to Transfer certain Funds;

Also, on the fourth instant, passed Assembly Bill, No. 121, An Act to fix the Terms of the County Court and Court of Sessions in the County of Nevada.

R. K. WESTON,
Assistant Clerk of Assembly.

Assembly Bill, No. 77, An Act to amend an Act entitled "An Act concerning the office of Secretary of State," passed May fifteenth, one thousand eight hundred and fifty-four—was read first and second times, and referred to the Committee on Translation.

Assembly Bill, No. 83, An Act concerning Roads and Highways in the Counties of Alameda and Santa Clara—was read first and second times,

and referred to the Committee on Roads and Highways.

Assembly Bill, No. 145, An Act to authorize the Board of Supervisors of Siskiyou County to Transfer certain Funds—was read first and second times, and referred to the Senator from Siskiyou County.

Assembly Bill, No. 121, An Act to fix the Terms of the County Court and Court of Sessions, in the County of Nevada—was read first and

second times, and referred to the Nevada Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, February 8, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have approved the following bills:

Senate Bill, No. 7, An Act to authorize the Treasurer of State to cause

the issuance of Duplicates for certain lost State Bonds;

Also, Senate Bill, No. 79, An Act to Release the Sureties on a certain Bond;

Also, Senate Bill, No. 38, An Act fixing the time when the General

Laws shall take effect;

Also, Senate Bill, No. 28, An Act for the Relief of Purchasers of Real Estate at Sales made by Public Administrators.

JOHN G. DOWNEY, Governor. Mr. Merritt, by leave, introduced a bill for an act entitled An Act con-

cerning the office of Controller.

Read first and second times and referred to the Judiciary Committee. Mr. Merritt, by leave, introduced a bill for an act entitled An Act supplementary to, and amendatory of, "An Act concerning Officers," approved April eighteenth, one thousand eight hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

Mr. Parks, by leave, introduced a bill for an act entitled An Act for the
crection of a Building for a State Reform School, and for the Regulation

of the same.

Read first and second times and referred to the Committee on Public Morals.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act con-

cerning Prescriptions.

Read first and second times, four hundred and eighty copies ordered

printed, and referred to the Judiciary Committee.

Mr. Titus, by leave, introduced a bill for an act entitled An Act to authorize the Board of Supervisors of the County of El Dorado to take and subscribe Three Hundred Thousand Dollars to the Capital Stock of the Placerville and Folsom Railroad Company, and to provide for the Payment of the same, and other matters relating thereto.

Read first and second times and referred to the El Dorado Delegation.
Mr. O'Farrell, by leave, introduced a bill for an act entitled An Act to
authorize William Potter to sell certain Real Estate in the County of
Butte.

Read first and second times and referred to the Butte and Plumas Delegation.

REPORT.

Mr. Merritt, Chairman of the Judiciary Committee made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate Bill, No. 98, entitled An Act to amend an Act entitled "An Act concerning the Courts of Justice in this State, and Judicial Officers," approved May nineteenth, one thousand eight hundred and fifty-three, and An Act amendatory thereof, approved April thirteenth, one thousand eight hundred and fifty-four, have had the same under consideration and report the bill back and recommend its passage.

Your committee have also had under advisement Senate Bill, No. 99, entitled An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," approved May first, one thousand eight hundred and fifty-one, and report the bill back and recommend its passage.

Respectfully submitted.

MERRITT,

Chairman.

Placed on file.

Mr. Sharp, of the delegation from the Fifth Senatorial District, made the following report:

Mr. PRESIDENT:—The delegation from the Fifth Senatorial District, to whom was referred Senate Bill, No. 66, An Act to prohibit the Burning of Bricks within certain limits in the City and County of San Francisco, have had the same under consideration and recommend the passage of the same, with the following amendment:

Amend section second, line second, by striking out the word "May," and inserting in place thereof the word "December."

SOL. A. SHARP,

For the Delegation.

Placed on file.

SPECIAL ORDER.

Senate Bill, No. 75, An Act to authorize County Courts to Chango Names in certain cases, and to prohibit application to the Legislature therefor—was taken up and considered in Committee of the Whole.

IN SENATE.

Bill reported back.

By unanimous leave of the Senate, Mr. Ballou was allowed to withdraw his substitute.

The bill was then indefinitely postponed.

Mr. Peachy, by leave, presented a petition from the Managers of the Ladies' Seaman's Friend Society of San Francisco, praying for an appropriation of ten thousand dollars.

Referred to the Committee on Commerce and Navigation.

Mr. Peachy, by leave, introduced a bill for an act entitled An Act appropriating Moneys for the benefit of the Ladies' Seaman's Friend Society of San Francisco.

Referred to the Committee on Commerce and Navigation.

GENERAL FILE.

Senate Bill, No. 18, An Act to authorize Martha Buckelew and her assigns to build a Wharf at Agnes Island in Marin County—was read a

third time and passed.

Senate Bill, No. 53, An Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society to bind as Apprentices, Clerks, and Servants, Orphan and Half-Orphan Children under their care and tuition—was read a third time and passed.

Senate Bill, No. 9, An Act to afford Protection to Immigrants to Cali-

fornia-was read a third time and passed.

Senate Bill, No. 5. An Act to authorize the establishment of County Infirmaries for the Relief of the Indigent Sick, and to amend an Act entitled "An Act to provide for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five—was considered in Committee of the Whole.

IN SENATE.

Bill reported back, and on motion of Mr. Watkins, it was made the special order of the day for Wednesday, February fifteenth, at twelve, M.

Senate Bill, No. 57, An Act to repeal an Act entitled "An Act to provide for the Appointment of a Gager for the Port of San Francisco," passed May third, one thousand eight hundred and fifty-two—

Pending the consideration, on motion of Mr. Kirkpatrick, the Senate

adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

Senate Chamber, Thursday, February 9th, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journal of yesterday read and approved.

Mr. Vance presented a petition from citizens of Butte County, praying for the passage of an act for the Herding of Sheep.

Referred to the Committee on Public Morals.

Mr. Vance, of the Committee on Public Morals, made the following report:

Mr. President:—The Committee on Public Morals, to whom was referred petitions from Sierra and El Dorado, praying for the passage of a Sunday Law, beg leave to say that they have taken the same under consideration, (as your committee has already introduced a bill for that purpose,) report said petitions back, with additional recommendations, that the bill for that purpose pass.

J. M. VANCE, Of the Committee on Public Morals.

Report accepted.

Mr. Parks, of the Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills, have examined Senate Bill, No. 52, An Act to amend an Act entitled "An Act concerning Courts of Justice of this State, and Judicial Officers," passed May nine-

teenth, one thousand eight hundred and fifty-three;

Also, Senate Bill, No. 40, An Act amendatory of, and supplemental to, an Act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three, and found the same correctly enrolled, and have this day presented the same to the Governor for his approval.

W. H. PARKS, For Committee.

Report accepted.

Mr. Parks, Chairman of the Committee on Public Morals, made the following report:

Mr. President:—Your Committee on Public Morals, have had Assembly Bill, No. 89, An Act to change the name of Franklin Ralph Jones, to Franklin Ralph, under consideration, and beg leave to report the same back and recommend its passage.

W. H. PARKS, Chairman.

Placed on file.

Mr. Lansing, of the Nevada Delegation, made the following report:

Mr. President:—The Nevada Delegation, to whom was referred Assembly Bill, No. 121, An Act to fix the Terms of the County Court and

Court of Sessions in the County of Nevada, report the same back, and recommend its passage without amendment.

C. J. LANSING, S. H. CHASE.

Placed on file.

Mr. Haynes, Senator from the Twelfth Senatorial District, make the following report:

Mr. President:—The undersigned, to whom was referred Assembly Bill, No. 98, entitled An Act to amend "An Act supplementary to an Act entitled 'An Act to Fund the Debt of Siskiyou County,' approved April twenty-ninth, one thousand eight hundred and fifty-seven, and amended and approved February twenty-second, one thousand eight hundred and fifty-eight, recommend that the same be amended by striking out "ninety" and inserting "seventy-five," in the fifteenth line of section one of said bill, and that it pass as amended.

J. P. HAYNES, Of the Twelfth Senatorial District.

Placed on file.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

Assembly Chamber, February 9, 1860.

Mr. PRESIDENT:—The Assembly, on the third instant, passed Assembly Bill, No. 106, An Act to amend an Act, approved April seventh, one thousand eight hundred and fifty-seven, entitled "An Act to amend an Act entitled an 'Act to regulate Proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved March twenty-second, one thousand eight hundred and fifty-six;

Also, on the sixth instant, passed Assembly Bill, No. 158, An Act to ex-

tend the time for the Collection of Taxes in the County of Plumas;

Also, substitute for Assembly Bill, No. 66, An Act for the payment of the Current and Necessary Expenses of the Pacific Railroad Convention; Also, on yesterday, adopted Assembly Concurrent Resolution, No. 48, Relative to printing Report of the State Registrar;

Also, concurred in Senate amendments to Assembly Concurrent Reso-

lution, No. 47, Relative to donating Public Lands to actual Settlers.

I am also directed to inform the Senate, that a copy of the Surveyor-General's Report has been sent to the Assembly, by His Excellency, the Governor.

R. K. WESTON, Assistant Clerk of Assembly.

Assembly Chamber, February 9th, 1860.

Mr. President:—The Assembly, on yesterday, concurred in Senate Substitute for Assembly Concurrent Resolution, No. 36, Relative to Seat of Government, and have appointed as a committee on the part of the House, Messrs. Bailey of Tuolumne, Henry, Walden, and Curtis.

R. K. WESTON, Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill, No. 196. An Act to amend an Act approved April seventh, one thousand eight hun ired and fitty-seven, entitled "An Act to amend an Act to the Italian I amend an Act to regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one, approved March twenty-second, one thousand eight hundred and fifty-six—read first and second times and reserved to the Judiciary Committee.

Assembly Bill, No. 158, An Act to extend the time for the Collection of Taxes in the County of Plumas—read first and second times and referred

to the delegation from Butte and Plumas.

Assembly Bill, No. 95, An Act for the Payment of the Current and Necessary Expenses of the Pacific Railroad Convention—read first and second times.

On motion of Mr. Titus, the rules were further suspended, and bill con-

sidered in Committee of the Whole.

IN SENATE.

Bill reported back, read a third time, pending which, the hour arrive! for the

SPECIAL ORDER OF THE DAY.

Relative to the Governor's Message, nominating and appointing Amos Noves, as Port-Warden for the Port of San Francisco, vice. Horace Austra, resigned.

On motion of Mr Sharp, the Senate went into Executive Session for

the purpose of considering said nomination.

The question being, will the Senate consent to the appointment of Amos Noyes, as Port-Warden of the Port of San Francisco?

The roll was called with the following result: Aves, 31-noos, none:

AYES—Messrs, Anderson, Bradley, Ballon, Clark, Chose, Crittenden, De la Guerra, Dent, Dickinson, Ergon, Franklin, Haynes, Kirkpatrick, Lausing, Leet, Logan, McDonald, Merritt, O'Farreil, Parker, Peachy, Piedps, Pico, Quinn, Redman, Ryan, Sharp, Titus, Vance, Watkins, and Watson—31.

Nous-None.

So the nomination was unanimously confirmed.

Assembly Bill, No. 65, in Committee of the Whole, An Act for the Payment of the Current and Newscary Expenses of the Pacific Railroad Convention.

Mr. Lent moved to commit the bill to the Committee on Public Morals,

with the following special instructions:

The provisions of this act shall be extended to the Republican State Convention, which is to meet in Sacramento on the twenty-second day of February, A. D., one thousand eight hundred and sixty;

Also, to the Democratic State Convention, which is to meet at Sacramento, on the twenty-ninth, A. D., one thousand eight hundred and

sixty.

Lost.

Pending the further consideration of Assembly Bill No. 66, the hour arrived for the further

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 90, An Act providing for the Payment of a Judgment in favor of Trustum C. Gilman, against the County of Contra Costa.

On motion of Mr. Phelps, it was laid on the table.

Assembly Bill, No. 66, in Committee of the Whole, An Act for the Payment of the Current and Necessary Expenses of the Pacific Railroad Convention.

The question being on the passage of the bill, the ayes and noes were demanded by Messis. Anderson, Phelps, and Titus, and taken, with the following result: Ayes, 24—noes, 8.

AYES—Messrs. Ballon, Clark, Chase, De la Guerra, Eagon, Haynes, Kirkpatrick, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Redman, Ryan, Sharp, Titus, Vance, Watkins, Watson, and Wheeler—24.

Noes-Messrs. Anderson, Bradley, Dent, Dickinson, Franklin, Lansing,

Leet, and Quinn-8.

So the bill passed.

Assemply Concurrent Resolution, No. 48, relative to Printing the Report of the State Registrar, was taken up—

Pending which, Mr. Dickinson rose to a point of order.

That a resolution having been passed in one House, and rejected in the other, a resolution embracing the same subject matter, with an amendment, could not be brought in during the same session, without a notice of five days and leave of two-thirds of that House in which it shall be renewed.

The President decided the point of order not well taken.

The resolution was concurred in.

On motion of Mr. Merritt, Senate Bill, No. 90, An Act providing for the Payment of a Judgment in favor of Trustum C. Gilman against the County of Contra Costa—was taken from the table.

Mr. Watkins moved a call of the Senate.

Lost.

The bill was considered in Committee of the Whole.

IN SENATE.

Bill reported back, and-

On motion of Mr. Watkins, it was made the special order for Tuesday,

February fourteenth, at twelve, M.

Mr. Merritt moved to suspend the rules, and take up Senate Bill, No. 98, An Act to amend an Act entitled "An Act concerning the Courts of Justice in this State and Judicial Officers," approved May nineteenth, one thousand eight hundred and fifty-three, and an Act amendatory thereof, approved April thirteenth, one thousand eight hundred and fifty-four;

Also, Senate Bill, No. 99, An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," approved May first, one thou-

sand eight hundred and fifty-one.

Mr. Watkins moved to amend by adding Senate Bill, No. 57, An Act to repeal an Act entitled "An Act to provide for the appointment of a Gager for the Port of San Francisco," passed May third, one thousand eight hundred and fifty-two.

Upon the question of adopting Mr. Watkins amendment, Mr. Merritt

rose to a point of order-

That it was not in order to take up several bills, relating to different subjects, by the same motion.

The Chair decided the point of order well taken.

The question being on suspending the rules, the ayes and noes were demanded, by Messrs. Merritt, Watson, and Dickinson, and taken, with the following result: Ayes, 22—noes, 6.

AYES—Messrs. Anderson, Bradley, Clark, Crittenden, De la Guerra, Dent, Eagon, Franklin, Kirkpatrick, Lansing, Logan, Merritt, Parks, Peachy, Pico, Redman, Ryan, Sharp, Titus, Vance, Watson, and Wheeler—22.

Noes-Messrs. Dickinson, Haynes, Leet, McDonald, Phelps, and Watkins-6.

So the motion to suspend the rules was carried.

Senate Bill. No. 99, An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," approved May first, one thousand eight hundred and fifty-one—was considered in Committee of the Whole

IN SENATE.

Bill reported back, rules suspended, bill considered engrossed, read a

third time and passed.

Senate Bill, No. 98, An Act to amend an Act entitled "An Act concerning the Courts of Justice in this State and Judicial Officers," approved May nineteenth, one thousand eight hundred and fifty-three, and An Act amendatory thereof, approved April thirteenth, one thousand eight hundred and fifty-four.

On motion of Mr. Watson, the rules were suspended, bill considered

engrossed, read a third time and passed.

On motion of Mr. Watson, the Forty-Fifth Standing Rule of the Senate was suspended, and the Secretary authorized to immediately transmit to

the Assembly the bills just passed.

A communication was received from the Secretary of the Pacific Railroad Convention, now in session in this city, inviting the members of the Legislature, through the President of the Senate and Speaker of the Assembly, to attend and participate in the debate on the "fifteen million proposition," in the Assembly Chamber, this, Thursday evening.

Mr. Kirkpatrick moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Bradley, Leet, and Watkins, and taken, with the following result: Ayes, 17—noes, 15.

Aves-Messrs. Anderson, Ballou, Chase, Dent, Dickinson, Franklin, Kirkpatrick. Lansing, McDonald, O'Farrell, Parks, Peachy, Quinn, Redman, Ryan, Watson, and Wheeler-17.

Noes-Messrs. Bradley, Clark, Crittenden, De la Guerra, Eagon, Haynes, Leet, Logan, Merritt, Phelps, Pico, Sharp, Titus, Vance, and

Watkins-15.

So the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: DAVID J. WILLIAMSON, Assistant Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Friday, February 10, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Peachy presented a petition from citizens of San Francisco, praying that the San Bruno Turnpike Company may not be granted the privilege of placing a Toll-Gate on Brannan Street or Brannan Street Bridge. Referred to the San Francisco Delegation.

REPORTS.

Mr. Vance, of delegation from Butte and Plumas counties, made the following report:

Mr. President:—The committee to whom was referred Senate Bill, No. 101, An Act to authorize William Potter to sell certain Real Estate in Butte, beg leave to say that the same has been taken under due consideration, and report the same back recommending its passage.

J. M. VANCE,

Chairman.

Placed on file.

Mr. Wheeler, Chairman of the Committee on Internal Improvements, made the following report:

Mr. President:—The Committee on Internal Improvements, to whom was referred Assembly Bill, No. 110, An Act to grant the right to Convey Water in Pipes to supply the Inhabitants of the Town of Red Bluff, have had the same under consideration and hereby report it back, without amendment, and recommend its passage.

E. D. WHEELER,

Chairman.

Placed on file.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate Bill, No. 106, An Act concerning the office of Controller, have had the same under consideration, and report the bill back, with the following amendment, and recommend its passage as amended:

Amend section first, line seven, by striking out all after the word "or "

to the word "Controller," in line eight.

Your committee have also had under advisement Senate Bill, No. 105, entitled An Act supplementary to, and amendatory of, "An Act concerning Offices," approved April twenty-eighth, one thousand eight hundred and fifty-one, and report the bill back with the following amendment, and recommend its passage as amended.

Amend by adding the following section:

Section 3. The Controller shall not be deemed to have notice of the pendency of the suit instituted to oust the incumbent of such office until

there shall be served on him a certificate signed by the Clerk of the Court in which the suit was instituted, setting forth the existence of such suit and stating the name of the office the title to which is in dispute.

Respectfully submitted.

MERRITT, Chairman.

Placed on file.

Mr. Ballou, of the Plumas Delegation, made the following report:

Mr. President:—The Delegation from Plumas herewith report back to the Senate, Assembly Bill, No. 158, An Act to extend the time for the Collection of Taxes in the County of Plumas, and recommend the passage of the same.

BALLOU,

For the Delegation.

Placed on file.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, February 10, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 40, An Act amendatory of, and supplementary to, An Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three.

JOHN G. DOWNEY,

Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, February 10, 1860.

Mr. President:—The Assembly on yesterday passed Senate Bill, No. 20, An Act for the Relief of D. O. Shattuck;

Also, Senate Bill, No. 29, An Act making an Appropriation for Deficiencies for the Eleventh Fiscal Year, ending the thirtieth day of June,

one thousand eight hundred and sixty;

Also, Senate Bill, No. 34, An Act to amend an Act entitled "An Act concerning the Collection of Poll Taxes, License Taxes, and Foreign Miners' Licenses, in the County of Sierra," passed April thirteenth, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 67, An Act to authorize the Courts of Record of this State to admit Herbert Chilien Jones as an Attorney and Counselor-

at-Law;

Also, adopted Assembly Concurrent Resolution, No. 49, Relative to

granting leave of absence to Thomas II. Hanson;

Also, passed Assembly Bill, No. 114, An Act to repeal "An Act providing for the Registration of Marriages, Births, Divorces, and Deaths, in California," approved April twenty-sixth, one thousand eight hundred and fifty-eight;

Also, An Act amendatory of, and supplementary to, an Act entitled

"An Act to provide for the Registration of Marriages, Births, Divorces, and Deaths, in California," approved March twelfth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 12, An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May first, one thou-

sand eight hundred and fifty-one;

Also, on the sixth instant, passed Assembly Bill, No. 131, An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and

Siskiyou;

Also, on the seventh instant, passed Assembly Bill, No. 155, An Act to Legalize the Official Acts of Hiram R. Hawkins and James T. Stewart, as County Clerks of Placer County.
R. K. WESTON,

Ass't Clerk of Assembly.

Assembly Concurrent Resolution, No. 49, Relative to granting leave of absence to Thomas H. Hanson-was taken up, and-

On motion of Mr. Sharp, was amended by striking out in the eleventh

line the word "six," and insert the word "four."

The resolution as amended was then concurred in.

Assembly Bill. No. 114, An Act to repeal "An Act providing for the Registration of Marriages, Births, Divorces, and Deaths, in California," approved April twenty-sixth, one thousand eight hundred and fifty-eight;

Also, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Registration of Marriages, Births, Divorces and Deaths, in California," approved March twelfth, one thousand eight hundred and fifty-nine-

Were read first and second times, and referred to the Committee on

Hospitals.

Assembly Bill, No. 12, An Act to amend an Act entitled "An Act to Regulate Proceedings in Criminal Cases'-was read first and second

times, and referred to the Judiciary Committee.

Assembly Bill, No. 131, An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou-was read first and secand times, and referred to the delegations from the counties therein named.

Assembly Bill, No. 155, An Act to legalize the Official Acts of Hiram R. Hawkins and James T. Stewart, as County Clerks of Placer County-was read first and second times, and referred to the Placer Delegation.

Mr. Vanco asked and obtained indefinite leave of absence for the Sec-

retary of the Senate, on account of sickness.

INTRODUCTION OF BILLS.

Mr. Watkins, by leave, introduced a bill for an act entitled An Act amendatory of, and supplementary to, an Act entitled "An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State," approved April twenty-first, one thousand eight hundred and fifty-six.

Read first and second times, and referred to the Committee on Com-

merce and Navigation.

Mr. Merritt, pursuant to notice, introduced a bill for an act entitled An Act to provide for the Payment of Two Hundred and Fifty Thousand

Dollars of the Outstanding Indebtedness of the State.

Read first and second times, and on motion of Mr. Merritt, was referred to a Special Committee of five, and the usual number of copies ordered printed.

Mr. Vance, by leave, introduced a bill for an act entitled An Act concerning Partition Fences.

Read first and second times, and referred to the Committee on Agri-

culture.

Mr. Leet, by leave, introduced a bill for an act entitled An Act to change the time of holding the Court of Sessions and County Court, in the County of Placer.

Read first and second times, and on motion of Mr. Leet, the rules were suspended, the bill considered engrossed, read a third time and passed.

Mr. Anderson, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act for the Relief of Insolvent Debtors and Protection of Creditors," approved May fourth, one thousand eight hundred and fifty-two.

Read first and second times, and referred to the Judiciary Committee. Mr. Anderson, of the Joint Committee on Printing, made the following

report:

Mr. President:—The Joint Committee on Printing have had under consideration the Assembly Concurrent Resolution, Relative to Printing Nine Hundred and Sixty Copies of the Amendments to the Constitution, proposed by Mr. Smith of Nevada, in the Assembly, and herewith report a substitute, and recommend the passage of the same.

ANDERSON,
Of the Senate.
LASPEYRE,
Of the Assembly.

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Resolved, By the Senate, the Assembly concurring, that four hundred and eighty copies be ordered printed of the Amendments to the Constitution, proposed in the Assembly by Mr. Smith of Nevada.

Placed on file.

Mr. Phelps, of the San Francisco and San Mateo Delegation, made the following report:

Mr. President:—The delegation from the Fifth Senatorial District, to whom was referred Senate Bill, No. 47, An Act amendatory to an Act entitled "An Act to authorize the Treasurer of the City and County of San Francisco to execute certain Deeds, and cancel certain Claims," approved April twenty-sixth, one thousand eight hundred and fifty-eight, have had the same under consideration, and recommend the passage of the bill, with the following amendment:

In line forty-two, section one, after the word "the," insert the words

"Treasurer, Auditor, and."

PHELPS,

For the Delegation.

Placed on file.

Senate Bill, No. 47, An Act amendatory of an Act entitled "An Act to authorize the Treasurer of the City and County of San Francisco to excute certain Deeds, and cancel certain Claims," approved April twenty-sixth, one thousand eight hundred and fifty-eight—was, on motion of Mr. Phelps, taken from file, and considered in Committee of the Whole.

IN SENATE.

Bill reported back, the rules further suspended, bill considered en-

grossed, read a third time and passed.

Mr. Logan, by leave, introduced a bill for an act entitled An Act to authorize the Board of Supervisors of Colusa County to levy a Special Tax for Building Purposes.

The bill having no enacting clause, on motion of Mr. Kirkpatrick, the

Secretary was authorized so insert the same.

Read first and second times, and on motion of Mr. Logan, the rules were further suspended, the bill considered engrossed, read a third time

and passed.

Mr. Titus, by leave, introduced a bill for an act entitled An Act defining the number of Justices of the Peace, and Constables, for the City and Township of Placerville, in El Dorado County.

Read first and second times, and referred to the El Dorado Delegation. Mr. Vance, by leave, introduced a bill for an act entitled An Act to authorize John S. Berry, Administrator of the Estate of F. P. Bohen, deceased, to sell certain Real Estate in Butte County.

Read first and second times, and on motion of Mr. Vance, was consid-

ered in Committee of the Whole.

IN SENATE.

Bill reported back, and on motion of Mr. Vance, the rules were sus-

pended, bill considered engrossed, read a third time and passed.

Mr. O'Farrell, by leave, introduced a bill for an act entitled An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to provide for the Support of the Government of this State,' approved May fifteenth, one thousand eight hundred and fifty-four, approved April twenty-seventh, one thousand eight hundred and fifty-five.

Read first and second times, and referred to the Committee on Public

Morals.

Mr. Wheeler, by leave, introduced a bill for an act entitled An Act to provide for the Appointment of a State Assayer of Ores and Metals, and to define his Duties.

Read first and second times, and referred to Committee on Mines and

Mining Interests.

The Chair announced the following as the Special Committee to whom was referred Senate Bill, No. 17, An Act to provide for the Payment of two hundred and fifty thousand dollars of the Outstanding Indebtedness of the State, consisting of Messrs. Merritt, Wheeler, Chase, Eagon, and Parks.

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 35, An Act to appropriate Money to W. T. Barbour—considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back and amendments concurred in.

On motion of Mr. Merritt, the rules were suspended, and the bill con-

sidered engrossed.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Dickinson, Wheeler, and Parks, and taken, with the following result: Ayes, 18—noes, 11:

Aves—Messrs, Anderson, Bradley, Clark, Crittenden, Eagon, Franklin, Haynes, Kirkpatrick, Leet. McDonald, Merritt, O'Farrell, Parker, Pico, Sharp, Titus, Vance, and Watkins—18.

Noes-Messrs. Ballou, Chase, Dent, Dickinson, Logan, Parks, Peachy,

Phelps, Quinn, Ryan, and Wheeler-11.

So the bill passed.

On motion of Mr. Sharp, the General File was taken up.

Mr. Watkins moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Dickinson, Edgerton, Lansing, Merritt, and Watson.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Kirkpatrick asked and obtained leave of absence for Mr. Watson, for one day.

Mr. Clark asked and obtained leave of absence for Mr. Merritt, for one

day

Mr. Eagon asked and obtained leave of absence for Mr. Lansing, for one day.

Mr. Dickinson appearing at the bar of the Senate, was admitted.

On motion of Mr. Kirkpatrick, further proceedings under the call were dispensed with.

GENERAL FILE.

Senate Bill, No. 57, An Act to repeal an Act entitled "An Act to Provide for the Appointment of a Gager for the Port of San Francisco," passed May third, one thousand eight hundred and his y-two—was considered in Committee of the Whole.

Pending which, Mr. O'Farrell rose to a question of privilege, relative to the statements made in writing by Lieutenant Dillon, relative to the depredations committed by the Indians in Round Valley, Mendocino

County.

Further consideration of Senate Bill, No. 57, in Committee of Whole, An Act to repeal an Act entitled "An Act to provide for the Appointment of a Gager for the Port of San Francisco," passed May third, one thousand eight hundred and fifty-two.

IN SENATE.

Bill reported back.

Mr. Parker moved to make it the special order for Thursday next.

Lost.

The question being on the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Ballou, Dickinson, and Phelps, and taken with the following result: Ayes, 23—noes, 8:

AYES-Messrs. Bradley, Clark, Crittenden, De la Guerra, Dent, Eagon, Franklin, Haynes, Lansing, Leet, Logan, McDonald. O'Farrell, Peachy, Pico, Quinn, Redman, Ryan, Sharp, Vance, Watkins, Watson, and Wheeler-23.

Noes-Messrs. Anderson, Ballou, Chase, Dickinson, Parker, Parks,

Phelps, and Titus—8.

So the bill was indefinitely postponed.

Mr. Redman gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

FURTHER MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, February 10, 1860.

To the Honorable the Senate of California:

I have this day approved Senate Bill, No. 17, An Act for the Relief of A. D. Park, late County Treasurer of El Dorado County.

JOHN G. DOWNEY,

Governor.

FURTHER MESSAGE FROM THE ASSEMBLY.

Assembly Chamber,

February 10, 1860.

Mr. President:—The Assembly have this day passed Assembly Bill, No. 92, An Act to Annex a Portion of San Joaquin County to Stanislaus County.

R. K. WESTON, Assistant Clerk of Assembly.

Assembly Bill, No. 92, An Act to Annex a Portion of San Joaquin County to Stanislaus County—read first and second times and referred to the Committee on Counties and County Boundaries.

the Committee on Counties and County Boundaries.

Mr. O'Farrell, by leave, introduced a bill for an act entitled An Act to declare Navigable the Arroyo de San Antonio, or Keyes' Creek, Marin

County.

Read first and second times and referred to the Committee on Com-

merce and Navigation.

Mr. Logan, by leave, introduced a bill for an act entitled An Act to Provide for the Annual Appointment of a Joint Standing Committee on Claims.

Read first and second times and referred to the Finance Committee.

On motion of Mr. Anderson, the report of the Joint Committee on Printing, together with a resolution, was taken up and adopted.

Mr. Clark presented a petition from D. J. Snyder, praying for a law

ordering a certain claim to be paid.

Referred to the Committee on Claims.

Mr. Clark, by leave, introduced a bill for an act entitled An Act making an Appropriation for the Payment of D. J. Snyder, for services rendered by him.

Read first and second times and referred to the Committee on Claims.

Mr. Ryan presented a petition from Λ . L. Pardee, a resident of Humboldt County, praying for relief.

Referred to the Board of War Examiners.

On motion of Mr. O'Farrell, the Senate adjourned.
I. N. QUINN,

President of the Senate.

Attest: David J. WILLIAMSON, Assistant Secretary of Senate.

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IN SENATE.

SENATE CHAMBER, Saturday, February 11th, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. President:-Your Committee on Contingent Expenses, to whom were referred the account herein set forth, have examined the same, and recommend the payment thereof, out of the Contingent Fund of the Senate:

WM. H. Bell, Sergeant-at-Arms of the Senate:

To M. O' Connell, DR .:

Purpose.	Amount.
To work done on Capital	\$15 00

C. J. LANSING,

Chairman.

Placed on file.

Mr. Parks, of the Sutter Delegation, made the following report:

Mr. President:-Your committee, to whom was referred Senate Bill No. 22. An Act to define the Boundaries of Sutter County, beg leave to report the same back without recommendation.

W. H. PARKS,

For the Committee.

Placed on file.

Mr. Haynes, of the Twelfth Senatorial District, made the following report:

Mr. President:-The undersigned, to whom was referred Assembly Bill, No. 145, entitled An Act to authorize the Board of Supervisors of Siskiyou County to transfer certain Funds, recommends that the same be amended by inserting after the word "sixty," in the eleventh line, of section one of said act, the following: "from said fund into the General Fund of said county," and that said bill pass as amended.

J. P. HAYNES,

Of Twelfth Senatorial District.

Placed on file.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:-The Committee on Engrossed Bills, have examined Senate Bill, No. 35, An Act to appropriate Money to pay W. T. Barbour; Also, Senate Bill, No. 115, An Act to change the time of holding the

Court of Sessions and County Court in the County of Placer;

Also, Senate Bill, No. 111, An Act to authorize the Board of Supervisors of Colusa County to levy a Special Tax for building purposes, and find the same correctly engrossed.

GEO. W. DENT,

Chairman.

Accepted.

Mr. Peachy asked and obtained leave of absence for Mr. Wheeler for one day.

Mr. Peachy asked and obtained leave of absence for Mr. Sharp for two

days

Mr. Leet asked and obtained leave of absence for Mr. Vance for two days.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

Saturday, February 11, 1860.

Mr. President:—The Assembly yesterday passed Assembly Bill, No. 122, An Act to amend an Act entitled "An Act concerning the office of County Assessor," passed March twenty-seventh, one thousand eight hundred and sixty;

Also, Assembly Bill, No. 126, An Act amendatory of "An Act concerning the Eighth, Ninth, and Fifteenth, Judicial Districts of this State and the Judges thereof," approved March thirty-first, one thousand eight hun-

dred and fifty-seven;

Also, Assembly Bill, No. 129, An Act to amend an Act amendatory of "An Act concerning Roads and Highways," passed April nineteenth, one thousand eight hundred and fifty-six, and to make applicable in so far as the Counties of Trinity and Butte are concerned:

the Counties of Trinity and Butte are concerned;
Also, Assembly Bill, No. 132, An Act to amend Section Two of an Act
entitled "An Act to provide for the appointment of Deputy County
Treasurers," approved May fifteenth, one thousand eight hundred and

fifty-four;

Also, Assembly Bill, No. 134, An Act to confirm and legalize the Assessment Roll or Tax List of Calaveras County, for the year one thousand eight hundred and fifty-nine, and to authorize the collection of the same;

Also, Assembly Bill, No. 138, An Act to amend an Act entitled "An Act amendatory of Section Four of an Act concerning Divorces," passed March twenty-fifth, one thousand eight hundred and fifty-one, approved April first, one thousand eight hundred and fifty-three.

R. K. WESTON,

As't Clerk of the Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 122, An Act to amend an Act entitled "An Act concerning the Office of County Assessor," passed March twenty-seventh, one thousand eight hundred and fifty—was read first and second times, and referred to the Finance Committee.

Assembly Bill, No. 126, An Act amendatory of "An Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State and the Judges thereof," approved March thirty-first, one thousand eight hundred

and fifty-seven-was read first and second times and referred to the

delegations from said districts.

Assembly Bill, No. 129, An Act to amend an Act amendatory of "An Act concerning Roads and Highways," passed April nineteenth, one thousand eight hundred and fifty-six, and to make applicable in so far as the Counties of Trinity and Butte are concerned—was read first and second times, and referred to the delegations from Trinity and Butte.

Assembly Bill, No. 132, An Act to amend Section Two of an Act entitled "An Act to provide for the appointment of Deputy County Treasurers," approved May fifteenth, one thousand eight hundred and fifty-fourwas read first and second times, and referred to the Finance Committee.

Assembly Bill, No. 134, An Act to confirm and legalize the Assessment Roll or Tax List of Calaveras County, for the year one thousand eight hundred and fifty-nine, and to authorize the collection of the same—was read first and second times, and—

On motion of Mr. Bradley, the rules were suspended, the bill read a

third time and passed.

Assembly Bill, No. 138, An Act to amend an Act entitled "An Act amendatory of Section Four of an Act concerning Divorces," passed March twenty-fifth, one thousand eight hundred and fifty-one, approved April first, one thousand eight hundred and fifty-three—was read first and second times, and referred to the Judiciary Committee.

INTRODUCTION OF BILLS.

Mr. Redman, by leave, introduced a bill for an act entitled An Act to provide for the building of a Turnpike or Graveled Road in Santa Clara County.

Read first and second times, and-

On motion of Mr. Anderson, the bill was amended by inserting after the word "voting," the words "on the question."

On motion of Mr. Redman, the rules were suspended, the bill consid-

ered engrossed, read a third time and passed.

Mr. Clark, by leave, introduced a bill for an act entitled An Act to prevent Illegal Traffic in Soda Water Bottles.

Read first and second times and referred to the Judiciary Committee. Mr. Dent, by leave, introduced a bill for an act entitled An Act con-

cerning Assessments in San Joaquin County.

Read first and second times and referred to the Committee on Claims. Mr. Redman, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act concerning the Office of Public Administrator, and making it Elective," approved April fifteenth, one thousand eight hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

Mr. Chase, by leave, introduced a bill for an act entitled An Act to
change the Name of Andrew Jackson Kneettle to Andrew Jackson

Brewer.

Read first and second times and-

On motion of Mr. Chase, the rules were suspended, bill considered en-

grossed, read a third time, and passed.

Mr. O'Farrell, by leave, introduced a bill for an act entitled An Act amendatory of, and supplemental to, "An Act authorizing the Guardian, or Guardians, of certain Minors to sell and dispose of their Real Estate and Chattels Real," approved April eighth, one thousand eight hundred and fifty-nine.

Read first and second times and referred to the Judiciary Committee.
Mr. O'Farrell, by leave, introduced a bill for an act entitled An Act authorizing certain parties to construct a Wharf on Petaluma Creek, in Sonoma County.

Read first and second times and referred to the Committee on Com-

merce and Navigation.

Mr. Peachy, by leave, introduced a bill for an act entitled An Act to provide for the Correct Report and Publication of the Decisions of the Supreme Court.

Read first and second times and referred to the Judiciary Committee. Mr. Ryan gave notice that he would, at an early day, introduce a bill for an act entitled An Act to provide for the issuance and payment of Bonds for Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State.

Mr. Logan gave notice that he would, at an early day, introduce a bill

for An Act to create a Contingent Fund for the County of Tehama.

Mr. Ballou, by leave, introduced a bill for an act entitled An Act to change the Name of Robert Goodwin to that of Robert Henry Wright.

Read first and second times and—

On motion of Mr. Ballou, the rules were suspended, bill considered en-

grossed, read a third time and passed.

Mr. Redman, pursuant to notice, moved to reconsider the vote by which Senate Bill, No. 57, An Act to repeal an Act entitled "An Act to provide for the appointment of a Gager for the Port of San Francisco," passed May third, one thousand eight hundred and fifty-two, was indefinitely postponed.

Pending which, Mr. Ballou moved to make it the special order for

Thursday next, at twelve, M.

Upon which the ayes and noes were demanded by Messrs. Eagon, Bradley, and Watkins, and taken with the following result: Ayes, 10-noes, 19.

AYES-Messrs. Ballou, Chase, Dickinson, Logan, McDonald, Parker,

Parks, Phelps, Redman, and Titus-10.

Nors-Messrs. Anderson, Bradley, Clark, Crittenden, De la Guerra, Dent, Eagon, Franklin, Haynes, Kirkpatrick, Lansing, Leet, O'Farrell, Peachy, Pico, Quinn, Ryan, Watkins, and Watson-19.

So the motion was lost.

The question recurring on the motion to reconsider, it was lost. Mr. Kirkpatrick offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that a Joint Committee of two from the Senate and three from the Assembly, be appointed, with power to send for persons and papers and take testimony, and investigate the facts, in relation to the late Indian wars in this State, and the manner in which the same have been conducted, and the proper expenses thereof, and report to the Legislature thereupon.

Mr. O'Farrell offered the following as a substitute:

Resolved, By the Senate, the Assembly concurring, that the President of the Senate appoint a Committee on Indian Affairs, composed of three members of the Senate, to act in conjunction with a like number of members of the Assembly, to be appointed by the Speaker, to proceed to Men-

docino County, or elsewhere, where the alleged Indian outrages have been committed, if they may deem the same expedient, with power to administer oaths and to send for persons and papers, and take testimony, and investigate the facts in relation to the late Indian wars in this State, and the manner in which the same have been conducted, and that the said Special Committees are instructed to report at as early a day as possible to this Legislature all the information collected, and to recommend the best method in their judgment for the pacification and safe disposal of the Indians as well as the permanent security of the settlers of Mendocino and other counties.

On motion of Mr. Parks, the whole subject matter was laid on the ta-

ble

Mr. Logan, from Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills, to whom was referred Senate Bill, No. 112, An Act to authorize John S. Berry, Administrator of the Estate of F. P. Bohem, deceased, to sell certain Real Estate in Butte County, have examined the same and find it correctly engrossed.

J. LOGAN,

Of the Committee.

Report accepted.

Mr. Watson, Chairman of the Committee on Federal Relations, made the following report:

Mr. President:—Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution, No. 35, Relative to a Mail Route from Sonora, in Tuolumne County, to Monoville in Western Utah, have had the same under consideration, and would now beg leave to report the same, recommending its passage without amendment.

JOHN H. WATSON,

Chairman.

Report accepted and placed on file.

On motion of Mr. Dickinson, the report of the Committee on Contin-

gont Expenses was taken up and adopted.

On motion of Mr. Kirkpatrick, Assembly Concurrent Resolution, No. 35, Relative to a Mail Route from Sonora, California, to Monoville, Western Utah, was taken up and adopted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, February 11, 1860.

Mr. President:—The Assembly, on the eighth instant, passed Assembly Bill, No. 137, An Act to authorize the Executrix of the Estate of William Hart, deceased, to sell Real Estate of her Testator at Private Sale.

R. K. WESTON,

Assistant Clerk of Assembly.

Assembly Bill, No. 137, An Act to authorize the Executrix of the Estate of William Hart, deceased, to sell Real Estate of her Testator at

Private Sale—was read first and second times and referred to the San Francisco Delegation.

INTRODUCTION OF BILLS.

Mr. Eagon, by leave, introduced a bill for an act entitled An Act defining the Rights of Purchasers at Sales on Execution, and their Remedies.

Read first and second times and referred to the Judiciary Committee.

Mr. Eagon, by leave, introduced a bill for an act entitled An Act enabling Purchasers of Real Property to obtain possession of Land sold on Execution.

Read first and second times and referred to the Judiciary Committee.
Mr. Sharp, Chairman of the Committee on Public Expenditures, made
the following report:

Mr. President:—Your Committee on Public Expenditures have examined the copying done for the Senate up to date, and find the same as follows:

Purpose.	No. Folios.	Price.	Amount.
Appendix to Senate Journal	1,109 1,109	15 ets. 10 ets.	\$166 35 110 90
Total	2,218		\$277 25

Examined, audited, and allowed.

SOL. A. SHARP, Chairman.

On motion of Mr. Titus, the rules were suspended and the report adopted.

On motion of Mr. Bradley, the Senate adjourned.

I. N. QUINN,
President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Monday, February 13, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of Saturday read and approved.

REPORTS.

Mr. Watkins, of Committee on Commerce and Navigation, made the following report:

Mr. PRESIDENT:-The Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 86, An Act to grant the right to construct a Bridge across the American River, at its mouth, to parties therein mentioned, beg leave to report the same back with amendment, and recommend its passage as amended:

Amend section one by striking out "Wm. M. Hassen," and inserting

"Wm. M. Harron."

H. P. WATKINS, For Committee.

Placed on file.

Mr. Parks, of Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT :- Your Committee on Enrolled Bills, have examined Senate Bill, No. 67, An Act to authorize the Court of Record of this State, to admit Herbert Chilien Jones as an Attorney and Counselor-at-Law:

Also, Senate Bill, No. 34, An Act to amend an Act entitled "An Act concerning the Collection of Poll Taxes, License Taxes, and Foreign Miners' Licenses, in the County of Sierra;"

Also, Senate Bill, No. 29. An Act for the Relief of D. O. Shattuck; Also, Senate Bill, No. 29. An Act making an Appropriation for Denciences for the Eleventh Fiscal Year, ending the thirtieth day of June, one thousand eight hundred and sixty, all of which have this day been presented to the Governor for his approval.

W. H. PARKS.

For Committee.

Report accepted. Mr. Crittenden, Chairman of the Committee on Counties and County Boundaries, made the following report:

Mr. President :- The Committee on Counties and County Boundaries, to whom was referred Assembly Bill, No. 92, entitled An Act to Annex a Portion of San Josquin County to Stanislaus County, have had the same under consideration, and report it back with amendments, recommend their adoption, and the passage of the bill as amended.

Amendments proposed by the Committee:

In the thirty-seventh line, third section, after the word "money," insert "in the Sinking Fund, hereinafter provided for."

In the eleventh line, tenth section, strike out all after the word "days." R. D. CRITTENDEN,

Chairman.

Placed on file.

Mr. Haynes, of the Twelfth Senatorial District, made the following report:

Mr. President:—The Delegation, to whom was referred Assembly Biil, No. 126, entitled An Act amendatory of "An Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts, of this State, and the Judges thereof," approved March thirty-first, one thousand eight hundred and fiftyseven, beg leave to report that they have had the same under consideration, and herewith report it back, with the following recommendation, viz:

That the bill be amended by adding thereto, an additional section, to

read as follows:

Section 2. This act shall be in force from and after the date of its passage.

We further recommend that said bill, as amended, pass.
H. P. HAYNES,

J. LOGAN, For Delegation.

Placed on file.

Mr. Titus, of the El Dorado Delegation, made the following report:

Mr. President:—The El Dorado Delegation, to whom was referred Senate Bill, No. 132, An Act defining the number of Justices of the Peace and Constables for the City and Township of Placerville, in El Dorado County, having had the same under consideration, report it back, and recommend its passage.

J. S. TITUS. For Delegation.

Placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, February 13, 1860.

Mr. President:—The Assembly, on the eighth instant, passed substitute for Assembly Bill, No. 62, An Act to Prohibit Gaming;

Also, substitute for Assembly Bill, No. 130, An Act for the Relief of Witnesses in Criminal Cases in the City and County of Sacramento. R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 62, An Act to Prohibit Gaming-was read first and

second times and referred to the Judiciary Committee.

Assembly Bill, No. 130, An Act for the Relief of Witnesses in Criminal Cases in the City and County of Sacramento-was read first and second

times and referred to the Sacramento Delegation.

On motion of Mr. Bradley, the vote by which Assembly Bill, No. 134, An Act to Confirm and Legalize the Assessment Roll, or Tax List of Calaveras County, for the Year one thousand eight hundred and fifty-nine, and to authorize the collection of the same, was passed on Saturday last, was reconsidered, and amended by adding the following section:

Section 6. This Act shall take effect from and after its passage.

The bill was then read a third time and passed.

On motion of Mr. O'Farrell, the Concurrent Resolution offered by Mr. Kirkpatrick, on Saturday last, relative to the Indian Wars in this State, and the substitute therefor, offered by himself, was taken from the table.

Mr. O'Farrell asked and obtained leave, to withdraw the substitute

offered by him.

The question being on the passage of the original resolution, on motion of Mr. Parks, it was laid on the table.

Mr. O'Farrell offered the following Concurrent Resolution:

Resolved, by the Senate, the Assembly concurring, that the President of the Senate appoint a Committee on Indian Affairs, composed of three members of the Senate, to act with a like number of members of the Assembly, to be appointed by the Speaker, to proceed to Mendocino County, or elsewhere, where the alleged Indian outrages have been committed, if they may deem the same expedient, with power to administer ouths, and to send for persons and papers; and that the said Special Committee are instructed to report, at as early a day as possible to this Legislature, all the information collected, and to recommend the best method, in their judgment, for the pacification and safe disposal of the Indians, as well as the permanent security of the settlers of Mendocino, and other counties.

On motion of Mr. Chase, the resolution was laid on the table.

Mr. Phelps, by leave, introduced a bill for an act entitled An Act amendatory of, and supplementary to, an Act entitled "An Act concerning Lawful Fences."

Read first and second times and referred to the Committee on Agricul-

ture

Mr. Leet, of the Placerville Delegation, made the following report:

Mr. President:—Your committee to whom was referred Assembly Bill, No. 115. An Act to legalize the Official Acts of Hiram R. Hawkins and James T. Stewart, as County Clerks of Placer County, beg leave to report it back, and recommend its passage.

LEET, ANDERSON,

Committee.

Placed on file.

Assembly Bill, No. 155, An Act to legalize the Official Acts of Hiram R. Hawkins and James T. Stewart, as County Clerks of Placer County—was considered in Committee of the Whole.

IN SENATE.

Bill reported back, read third time and passed.

Mr. Ryan, by leave, introduced a bill for an act entitled An Act to provide for the Issuance and Payment of Bonds for expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State.

Read first and second times, and referred to the Committee on Claims,

and the usual number of copies ordered printed.

GENERAL FILE.

Senate Bill, No. 100, An Act to provide for the better observance of the Sabbath—was taken up, read first and second times, and referred to the Committee on Public Morals.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, February 13, 1860.

Mr. President:—The Assembly on Saturday last adopted Assembly Concurrent Resolution, No. 51, Relative to Indian Difficulties in Mendocino County.

R. K. WESTON,

Assistant Clerk Assembly.

Assembly Concurrent Resolution, No. 51, Relative to Indian Difficulties in Mendocino County—was taken up, and concurred in.

GENERAL FILE, RESUMED.

Senate Bill, No. 66, An Act to prohibit the Burning of Bricks within certain Limits in the City and County of San Francisco—was considered in Committee of the Whole and amended.

IN SENATE.

Bill reported back, amendments concurred in, and-

On motion of Mr. Phelps, the rules were suspended, bill considered en-

grossed, read a third time and passed.

Assembly Bill, No. 98, An Act to amend an Act supplementary to an Act entitled "An Act to Fund the Debt of Siskiyou County," approved April twenty-ninth, one thousand eight hundred and fifty-seven, and amended and approved February twenty-second, one thousand eight hundred and fifty-eight—was considered in Committee of the Whole and amended.

IN SENATE.

Bill reported back, amendments concurred in, bill read a third time and

passed.

Assembly Bill, No. 121, An Act to fix the Terms of the County Court and Court of Sessions, in the County of Nevada—was considered in Committee of the Whole.

IN SENATE.

Bill reported back, read a third time and passed.

Assembly Bill, No. 89, An Act to change the name of Franklin Ralph Jones to Franklin Ralph—was considered in Committee of the Whole.

IN SENATE.

Bill reported back.

The question being on its passage, the Senate refused to pass the bill. Senate Bill, No. 101, An Act to authorize William Potter to sell certain Real Estate in the County of Butte—was considered in Committee of the Whole.

IN SENATE.

Bill reported back, ordered engrossed, and read a third time.

Senate Bill, No. 106, An Act concerning the office of Controller—was taken up, and—

On motion of Mr. Kirkpatrick, was made the special order of the day

for Friday, February seventeenth, at twelve, M.

Senate Bill, No. 105, An Act supplementary to, and amendatory of, "An Act concerning Offices," approved April twenty-eighth, one thousand eight hundred and fifty-one—was taken up, and—

On motion of Mr. Chase, was made the special order of the day for

Friday, February seventeenth, at twelve, M.

Assembly Bill, No. 158, An Act to extend the time for the Collection of Taxes in the County of Plumas—was considered in Committee of the Whole and amended.

IN SENATE.

Bill reported back, amendments concurred in, read a third time and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, February 13, 1860.

Mr. President:-The Assembly have this day passed Senate Bill, No. 98, An Act to amend an Act entitled "An Act concerning the Courts of Justice in this State, and Judicial Officers," approved May nineteenth, one thousand eight hundred and fifty-three, and an Act amendatory thereof, approved April thirteenth, one thousand eight hundred and fiftyfour, with an amendment;

Also, Senate Bill, No. 99, An Act to amend an Act entitled "An Act to Regulate Proceedings in Criminal Cases," approved May first, one thou-

sand eight hundred and fifty-one, with an amendment. R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill, No. 98, An Act to amend an Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers," approved May nineteenth, one thousand eight hundred and fifty-three, and an Act amendatory thereof, approved April thirteenth, one thousand eight hundred and fifty-four-was taken up, and Assembly amendments concurred in.

Assembly Bill, No. 99, An Act to amend an Act entitled "An Act to Regulate Proceedings in Criminal Cases," approved May first, one thousand eight hundred and fifty-one-was taken up, and Assembly amendments concurred in.

Mr. Bradley, for Committee on Commerce and Navigation, made the following report:

Mr. President:-The Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 108, An Act amendatory of, and supplementary to, an Act entitled "An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State," approved April twenty-third, one thousand eight hundred and fifty-six, have had the same under consideration, and herewith return the same, with a substitute, and the majority of the committee recommend the passage of the substitute.

> B. T. BRADLEY, For Committee.

Placed on file.

Assembly Bill, No. 110, An Act to grant the right to convey Water in Pipes, to supply the Inhabitants of the Town of Red Bluff-was considered in Committee of the Whole.

IN SENATE.

Bill reported back, read a third time and passed.

Senate Bill, No. 22, An Act to define the Boundaries of Sutter Countywas, on motion of Mr. Parks, made the special order of the day for Wednesday, February fifteenth, at twelve, M.

Assembly Bill, No. 145, An Act to authorize the Board of Supervisors

of Siskiyou County to Transfer certain Funds—was considered in Committee of the Whole and amended.

IN SENATE.

Reported back, amendments concurred in, bill read a third time and

passed.

The Chair announced the following as committee on part of the Senate, in accordance with Assembly Concurrent Resolution, No. 51, Relative to Indian Difficulties in Mendocino County: Messrs. O'Farrell, Eagon, and Dickinson.

Assembly Bill, No. 92, An Act to annex a portion of San Joaquin County to Stanislaus County—was considered in Committee of the Whole and amended.

IN SENATE.

Bill reported back, amendments concurred in, and on motion of Mr. Franklin, was laid on the table.

UNFINISHED BUSINESS.

Senate Bill, No. 65, An Act concerning District Court Reporters—was

taken up and placed on file.

Assembly Bill, No. 17, An Act to grant to certain Parties the right of constructing a Road to Point Lobos, in the City and County of San Francisco—was, on motion of Mr. Phelps, made the special order for to-morrow, at one, P. M.

Mr. Logan moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Eagon, Lansing, and Redman, and taken, with the following result: Ayes, 15—noes, 9:

AYES-Messrs. Anderson, Ballou, Chase, Crittenden, Dent, Eagon, Fraklin, Hayes, Kirkpatrick, Lansing, Logan, McDonald, Pico, Redman, and Ryan-15.

Noes-Messrs. Bradley, Leet, Parker, Parks, Phelps, Quinn, Titus,

Watkins, and Watson-9.

So the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Tuesday, February 14, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of Saturday read and approved.

Mr. Parks, of the Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT:-The Committee on Enrollment, have examined Senate Bill, No. 99, An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," approved May first, one thousand eight

hundred and fifty-one;

Also, An Act to amend "An Act concerning Courts of Justice in this State and Judicial officers," approved May nineteenth, one thousand eight hundred and fifty-three, and an Act amendatory thereof, approved April thirteenth, one thousand eight hundred and fifty four, and find the same correctly enrolled, and have this day presented the same to the Governor for his approval.

W. H. PARKS,

For the Committee.

Report accepted.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:-The Judicary Committee, to whom was referred Senate Bill, No. 124, An Act to provide for the correct Report and Publication of the Decisions of the Supreme Court, have had the same under consideration, and beg leave to report the same back, and recommend its passage.

Respectfully submitted,

MERRITT. Chairman.

Placed on file.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills, have examined, and found correctly engrossed, Senate Bill, No. 47, An Act amendatory of an Act entitled "An Act to authorize the Treasurer of the City and County of San Francisco to execute certain Deeds and cancel certain Claims," approved April twenty-first, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 121, An Act to provide for the building of a Turn-

pike or Graveled Road in Santa Clara County;

Also, Senate Bill, No. 127, An Act to change the name of Robert Good-

win to that of Robert Henry Wright;

Also, Senate Bill, No. 131, An Act to change the name of Andrew Jackson Knecttle to Andrew Jackson Brewer.

G. W. DENT,

Chairman.

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Report accepted.

Mr. Titus, Chairman of the Committee on State Hospitals, made the following report:

Mr. President:-We, Joint Committee of the Senate and Assembly on State Hospitals, respectfully submit the following report concerning the condition of the State Insanc Asylum, ascertained in performance of the duties assigned them, by visiting and a minute inspection of the same:

We find that the financial affairs of the institution were on a complete, efficient, and most thorough economical basis. The committee making careful inquiry and inspection of the entire books, accounts, etc., of the Treasurer, Secretary, and Clork, of the asylum, and were satisfied with the duly authenticated vouchers produced for every item of expenditure connected with the management of the establishment.

It is with much pleasure that we report that no debts have been contracted by the Trustees of the asylum during the last fiscal year, and that so far during the present fiscal year the expenditures have been kept within the appropriation. The Trustees report that of the appropriation of seventy-five thousand dollars made by the last Legistature for the support of the asylum for the fiscal year commencing July first, one thousand eight hundred and fifty nine, ending June thirtieth, one thousand eight hundred and sixty, the sum of thirty-one thousand two hundred and fifty dollars has been drawn from the State treasury, leaving undrawn forty-three thousand seven hundred and fifty dollars for the balance of the fiscal year, which amount your committee believe will liquidate the expenses during the period. The special appropriation of five thousand dollars, for padding cells in the mad-houses, and other contingents, has been faithfully applied as contemplated. For a minute record of the improvements and changes that have been made at the asylum with the said fund the past year, we would refer you to the published reports of Trustees and the Resident Physician, all of which we found substantially correct.

The experience of your committee would confirm that of the preceding year, regarding the general received opinions as to the modern treatment of the insane, as adopted by the Resident and Visiting Physicians and rigidly adhered to by their entire corps of Assistants in their respective wards. The hygienic condition of the different wards, apartments, and mad-houses, with the inclosures for out-door exercise, evinced the most scrupulous regard for the comfort and sanitary benefit of their unfortunate inmates. The statistics of the asylum show the result of the treatment in propoction to the general causes of insanity prevailing on the Pacific coast, and will compare favorably with similar establishments in the eastern States.

Your committee are unanimous in the opinion that the entire business of the asylum, in all its details, legal requirements, etc., are fully and faithfully carried out; the books were found correct, concise, and readily understood, reflecting much credit upon the Secretary and Clerk having them in charge; in fine, we could not express our ideas of the management more effectively than have the Trustees in their report, whose sen-

timents we cordially indorse, viz:

"The institution is truly an asylum, where the most wretched, the most unfortunate, and the most helpless, of all creatures, find a home where they receive all the care and attention that their deplorable situation demands. In contemplating the vast amount of good accomplished by this noble charity, we feel an honest pride that such an institution exists in our State, and so long as our Legislature continues to extend the same fostering care that has heretofore prevailed, it will stand a living monument of the liberality, humanity, and enlightenment, of our citizens."

The Trustees and Superintendent have made many marked improvements on the grounds connected with and partially surrounding the asylum—most of which has been performed by the employment of such patients as could be induced to engage in moderate labor, it being generally conceded that out-door exercise materially improves the condition of

the inmates.

We cannot conclude this report without referring to the Resident and Visiting Physicians, Trustees, and Treasurer, in terms of commendation, not only on account of their devotion to the best interests of the asylum,

but for their untiring industry in behalf of the institution, which is recognized in the admirable system and good order which prevail in every department, tending to promote the comfort and happiness of the inmates. For the amount required the coming fiscal year, your committee would recommend eighty thousand dollars as the sum to be inserted in the General Appropriation Bill of the present session, for the support of the State Insane Asylum; and for the purpose of having the institution properly arranged for the more improved methods of ventilation, lighting, and heating, we would recommend that a compitent Architect, whose pay shall be fixed, be appointed to submit plans to the Board of Trustees, and that a sum be appropriated as a contingent fund to carry out said plans and to no other purpose. We deem it absolutely necessary for the comfort and well-being of the unfortunate inmates, that the State should purchase blocks Nos. ---, situated immediately in front and back of the institution, thereby increasing the inclosures for out-door exercise at present too much confined. The square on which the building is situated is surrounded on three of its sides with public streets. The authorities in control have assured the Resident Physician that they will vacate two of the streets if said blocks are purchased, thereby donating much additional ground to the State, and affording space for an ornamental garden and inclosure for both sexes; the narrow plat and immediate vicinity of the streets at present entirely excludes the females from out-door exercise, except in a contracted inclosure in close vicinity to the mad-house.

Believing that it would materially reduce the expenses of the asylum by the establishment of a dairy, to be connected therewith, and conduce to the health and comfort of many of its inhabitants, we would recommend an appropriation of one thousand dollars for the purchase of cows, to belong to and be cared for as other property belonging to the Asylum.

With the view of carrying out the recommendations of this report, we will at an early day introduce a bill and recommend it to your favorable consideration.

I. S. TITUS, Chairman State Hospital Committee.

Mr. Phelps, Chairman of the Committee on Roads and Highways, made the following report:

Mr. President:—Your Committee on Roads and Highways, to whom was referred Senate Bill, No. 95, An Act for Opening and Improving Roads in the County of Sutter, have had the same under consideration, and report the bill back with amendments, and recommend its passage as amended.

Amend section four by striking out all after the word "possession," in lines eighteen and nineteen, and inserting the following: "to be placed to the credit of the Road Fund. Any person receiving such appointment, and failing to qualify within the time specified, shall be subject to a fine of twenty-five dollars; unless, for good cause shown, the Board shall excuse such person; provided, the same person shall not be compelled to serve in the capacity of Overseer two successive years."

Strike out section twenty-five, and insert "all acts and parts of acts in conflict with the provisions of this act, are hereby declared inapplicable

to the county of Sutter."

Add as an additional section, the following: "This act shall take effect immediately."

Placed on file.

PHELPS, Chairman. 0

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Mr. Ryan, of Special Committee composed of the delegations from Siskiyeu, Napa, and Humboldt, made the following report:

Mr. President:—Your Special Committee, composed of the delegations from Siskiyou, Napa, and Humboldt, to whom was referred Assembly Bill No. 131, An Act concerning Roads and Highways in the counties of Humboldt, Napa, and Siskiyou, have had the same under consideration, and report it back, recommending its passage.

JAS. T. RYAN, J. P. HAYNES.

Placed on file.

On motion of Mr. Ryan, the rules were suspended, and Assembly Bill, No. 131, An Act concerning Roads and Highways in the counties of Humboldt, Napa, and Siskiyou—was taken up and considered in Committee of the Whole.

IN SENATE.

Bill reported back, read a third time, and passed.

A communication was received from Harvey Lee, Reporter of the Supreme Court, relative to reporting and publishing the Supreme Court Reports of this State.

Read and referred to the Judiciary Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, February 13, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved the follow-

ing bills, viz:

Senate Bill, No. 13, An Act to authorize the Administrator of the Estate of Samuel J. Crosby, deceased, to sell and convey Real Estate.

Also, Senate Bill, No. 55, An Act to give effect to Patents for Lands

issued in the names of deceased persons.

Also, Senate Bill, No. 52, An Act to amend an Act entitled "An Act concerning Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three.

JOHN G. DOWNEY,
Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

February 14, 1860. §
Mr. President:—The Assembly, on the ninth instant, passed Assembly
Bill, No. 153, An Act fixing the time of holding the County Court and
Court of Sessions in the County of Sacramento.

Also, on yesterday, passed Assembly Bill, No. 147, An Act supplementary to an Act entitled "An Act to incorporate the City of Placerville." approved May seventh, one thousand eight hundred and fifty-nine.

Also, substitute for Assembly Bill, No. 105, An Act to grant the right to construct a Bridge across the American River, at a point north of C

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Street, north, and between Front and Seventh Streets, as designated on the plat or plan of the City of Sacramento;

Also, Senate Bill, No. 112, An Act to authorize the Board of Supervisors of Colusa County to levy a Special Tax for building purposes:

Also, Senate Bill, No. 115, An Act to change the time of holding the Court of Sessions and County Court in the County of Placer;

Also, concurred in Senate Concurrent Resolution, No. 39, Relative to

proposed amendments to the Constitution;

Also, concurred in Senate amendments to Assembly Concurrent Resolution, No. 49, Relative to leave of absence to Thos. II. Hanson.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 153, An Act fixing the time of holding the County Court and Court of Sessions in the County of Sacramento—was read first and second times, and referred to the delegation from Sacramento.

Assembly Bill, No. 147, An Act supplementary to an Act entitled "An Act to Incorporate the City of Placerville"—was read first and second

times, and referred to the El Dorado Delegation.

Assembly Bill, No. 105, An Act to grant the right to construct a Bridge across the American River at a point north of C Street, north, and between Front and Seventh Streets, as designated on the plat or plan of the City of Sacramento—was read first and second times, and referred to the Committee on Commerce and Navigation.

INTRODUCTION OF BILLS.

Mr. Redman, pursuant to notice, introduced a bill for an act entitled An Act to amend "An Act to authorize the Counties of the State of California to become Stockholders in Railroad Companies," approved April sixteenth, one thousand eight hundred and fifty-nine.

Read first and second times, and referred to the Committee on Internal

Improvements.

President pro tem. in the Chair.

Mr. Phelps, by leave, introduced a bill entitled An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State," approved May fifteenth, one thousand eight hundred and fifty-four.

Read first and second times, and placed on file.

Mr. Parks, by leave, introduced a bill for an act entitled An Act for the Reclamation and Sale of the Swamp and Overflowed Lands of this State. Read first and second times, and referred to the Committee on Swamp

and Overflowed Lands.

Mr. Quinn, by leave, introduced a bill for an act entitled An Act to authorize the employment of a Porter in the Office of Secretary of State. Read first and second times, and referred to the Committee on Finance.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act amendatory of an Act entitled "An Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of Sau Francisco, and to consolidate the Government thereof," approved April nineteenth, one thousand eight hundred and fifty-six, and of "An Act amendatory and supplementary thereof," approved April eighteenth, one thousand eight hundred and fifty-seven, and of "An Act

amendatory thereof," approved March twenty-eighth, one thousand eight hundred and fifty-nine.

Read first and second times and referred to the San Francisco Delega-

tion, and the usual number of copies ordered printed.

Mr. Peachy, by leave, introduced a bill for an act entitled An Act to establish a Marine Court in the City and County of San Francisco.

Read first and second times and referred to the Judiciary Committee.

Mr. Peachy presented a petition from citizens of San Francisco, asking
to be released as sureties on a certain bond.

Referred to the Judiciary Committee.

Mr. Leet presented a petition from citizens of Placer County, praying for the repeal of the present Attachment Law.

Referred to the Judiciary Committee.

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 12, An Act extending the privileges of the Homestead Law to certain Persons, and to regulate the Creation of the same—was taken up, read a third time, and passed.

President in the Chair.

FURTHER SPECIAL ORDER OF THE DAY.

Senate Bill, No. 90, An Act providing for the Payment of a Judgment in favor of Trustum C. Gilman against the County of Contra Costa—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back.

The question being on concurring in amendments made in Committee of the Whole, Mr. Merritt called for a division of the question.

The question being on concurring in the amendment to section first,

made in Committee of the Whole-

Pending which, Mr. Merritt moved a call of the Senate.

Carried.

Roll called.

Absent—Messrs, Crittenden, Kirkpatrick, Redman, and Ryan.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Peachy asked and obtained indefinite leave of absence for Mr. De la Guerra.

Mr. Titus asked and obtained indefinite leave of absence for Mr. O'Farrell.

Mr. Phelps asked and obtained leave of absence for Mr. Parker for one day.

Mr. Watkins asked and obtained leave of absence for Mr. Wheeler for one day.

Mr. Redman appearing at the bar of the Senate, was admitted.

Mr. Kirkpatrick appearing at the bar of the Senate was admitted.

On motion of Mr. Dent further proceedings under the call were dis-

pensed with.

The question recurring on concurring in the amendment made in Committee of the Whole, to section first of said act, the ayes and noes were demanded by Messrs. Merritt, Lansing, and Parks, with the following result: Ayes, 16—noes, 6.

AYES-Messrs. Ballou, Clark, Chase, Crittenden, Dent, Dickinson, Ea-

gon, Haynes, Leet, Logan, McDonald, Parks, Quinn, Redman, Titus, and Watkins-16.

Noes-Messrs. Anderson, Bradley, Franklin, Lansing, Merritt, and Sharp-6.

So the amendment was concurred in. Mr. Peachy, paired off with Mr. Ryan.

Mr. Phelps paired off with Mr. Parker.

Mr. Watson paired off with Mr. Kirkpatrick.

The question being on concurring in amendment made in Committee of the Whole, to section third, it was concurred in.

The question being on concurring in amendment of adding an additional section, made in Committee of the Whole, it was concurred in.

The bill was then ordered engrossed and read a third time.

Mr. Merritt gave notice that on to-morrow he would move for a reconsideration of the vote by which the bill was ordered engrossed and read a third time.

Mr. Logan gave notice that on to-morrow he would move for a reconsideration of the vote by which Senate Bill, No. 12, An Act extending the privileges of the Homestead Law to certain Persons, and to regulate the Creation of the same, was passed.

Mr. Lansing moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Merritt, Lansing, and Titus, with the following result: Ayes, 9—noes, 16.

Axes-Messrs. Ballou, Clark, Chase, Parks, Peachy, Quinn, Redman,

Sharp, and Watkins-9.

Noes-Messrs. Anderson, Bradley, Crittenden, Dent, Dickinson, Eagon, Franklin, Haynes, Lansing, Leet, Logan, McDonald, Merritt, Phelps, Titus, and Watson-16.

So the Senate refused to adjourn.

SPECIAL ORDER OF THE DAY.

Assembly Bill, No. 17, An Act to grant to certain parties the right of constructing a Road to Point Lobos, in the City and County of San Francisco—was taken up and considered in Committee of the Whole.

IN SENATE.

Reported back, and, on motion of Mr. Sharp, was recommitted to the

San Francisco Delegation.

On motion of Mr. Quinn, Assembly Bill, No. 92, An Act to annex a portion of San Joaquin County to Stanislaus County, was taken from the table, read a third time and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department, Sacramento, February 14, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have approved the following bills:

Senate Bill, No. 37, An Act for the Relief of the Heirs of David Morgan; Also, Senate Bill, No. 67, An Act to authorize the Courts of Record of this State to admit Herbert Chilien Jones as an Attorney and Counselorat-Law;

Also, Senate Bill, No. 29, An Act making an Appropriation for Deficiencies for the Eleventh Fiscal Year, ending thirtieth of June, one thou-

sand eight hundred and sixty;

Also, Senate Bill, No. 20, An Act for the Relief of D. O. Shattuck;

Also, Senate Bill, No. 34, An Act to amend an Act entitled "An Act concerning the Collection of Poll-Taxes and Foreign Miners' Licenses in the County of Sierra," passed April thirtieth, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 98, An Act to amend an Act entitled "An Act concerning the Courts of Justice of this State, and Judicial Officers," approved May nineteenth, one thousand eight hundred and fifty-three, and an Act amendatory thereof, approved April thirteenth, one thousand

eight hundred and fifty-four;

Also, Senate Bill, No. 99, An Act to amend an Act entitled "An Act to Regulate Proceedings in Criminal Cases," approved May first, one thousand eight hundred and fifty-one.

JOHN G. DOWNEY, Governor.

Mr. Phelps, of the San Francisco and San Mateo Delegation, made the following report:

Mr. President:—The delegation from San Francisco and San Mateo, to whom was referred Assembly Bill, No. 137, An Act to authorize the Executrix of the Estate of William Hart, deceased, to sell Real Estate of her Testator at Private Sale, have had the same under consideration, and report the bill back, with amendments, and recommend the passage of the bill as amended:

Add to section six the following:

"Provided, nothing contained in this act shall be construed so as to prevent the Probate Court from ordering a sale of so much of the property as may be necessary for discharging the debts and incumbrances against said estate."

Add as section seven: "This act shall take effect immediately."

PHELPS,

For the Delegation.

Placed on file.

Mr. Franklin offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that Samuel E. Marshal, one of the Board of Supervisors of Tuolumne County, have leave of absence from this State for the period of six months from and after the passage of this resolution.

Adopted.

Mr. Peachy, from Committee on Finance, made the following report:

Mr. President:—The Committee on Finance, to whom was referred Senate Bill, No. 187, entitled An Act to authorize the employment of a

Porter in the office of the Secretary of State, have considered the said bill and recommend that it pass.

ARCHIBALD C. PEACHY,

For a majority of the Committee.

On motion of Mr. Peachy, the rules were suspended, and the bill just

reported was taken up.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Anderson, Dickinson, and Lansing, and taken with the following result: Ayes, 12—noes, 12.

AYES-Messrs. Bradley, Clark, Crittenden, Eagon, Lansing, Leet, Peachy, Quinn, Sharp, Watkins, and Watson-12.

Noes-Messrs. Anderson, Ballou, Dent, Dickinson, Franklin, Haynes,

Logan, Merritt, Parks, Phelps, Redman, and Titus-12.

So the Senate refused to pass the bill.

Mr. Sharp, Chairman of the Committee on Public Expenditures, made the following report:

Mr. President:—The Committee on Public Expenditures, to whom was referred An Act appropriating Moneys for the benefit of the San Francisco Ladies' Protection and Relief Society, together with the memorial and other documents accompanying the same, have had the same under consideration, and now report the bill back, with the annexed amendment, and recommend the passage of the bill as amended:

Amend section two, line seven, by adding after word "appropriations,"

in said line as follows:

"The said President and Secretary, before receiving said money, are also required to execute to the people of the State of California a bond according to law, with two sufficient sureties, to be approved by the Governor, conditioned for the faithful expenditure of said moneys to the use of said society, and the purposes for which the same was organized."

SOL. A. SHARP,

Chairman.

Placed on file.

On motion of Mr. Watkins, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Wednesday, February 15, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Journal of yesterday read and approved.

There being no quorum present, Mr. Logan moved a call of the Senate.

Carried. Roll called.

Absent-Messrs. Chase, Clark, Crittenden, Dickinson, Edgerton, Kirkpatrick, Merritt, Peachy, Sharp, Watkins, and Watson.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Bradley appearing at the bar of the Senate was admitted. Mr. Ballou appearing at the bar of the Senate was admitted.

On motion of Mr. Phelps, further proceedings under the call were dispensed with.

Mr. Eagon, asked to be, and was, excused from serving on Special Com-

mittee on Indian Difficulties in Mendocino County.

The Chair appointed Mr. Watson to fill the place of Mr. Eagon on said committee.

A communication was received from the Secretary of the Pacific Railroad Convention, relative to proceedings of Pacific Railroad Convention.

Referred to the Special Railroad Convention Committee.

Mr. Logan presented a petition from J. Coats, relative to State Bonds.

Referred to a special committee of three.

The Chair announced the following as said committee: Messrs. Logan, Ballou, and Franklin.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. PRESIDENT: -The Committee on Engrossed Bills, have examined Senate Bill, No. 66, An Act to prohibit the burning of Bricks within certain limits in the City and County of San Francisco;
Also, Senate Bill, No. 101, An Act to authorize William Potter to sell

certain Real Estate, and find the same correctly engrossed.

DENT. Chairman.

Report accepted.

On motion of Mr. Ballou, the rules were suspended, and Senate Bill, No. 101, An Act to authorize William Potter to sell certain Real Estatewas taken up, read a third time, and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

February 15, 1860. \ Mr. President:—The Assembly on yesterday passed Senate Bill, No. 127, An Act to change the name of Robert Goodwin to Robert Henry Wright;

Also, adopted Assembly Concurrent Resolution, No. 31, Relative to the

New Almaden Mine;

Also, on the ninth instant, passed Assembly Bill, No. 160, An Act to repeal an Act entitled "An Act to provide for holding the January Term of the Seventeenth Judicial District in the County of Plumas;"

Also, on the thirteenth instant, passed Assembly Bill, No. 22, An Act amendatory of, and supplementary to, the "Act defining the Rights of

Husband and Wife;

Also, have concurred in Senate amendments to Assembly Bill, No. 98, An Act to amend "An Act supplementary to an Act entitled 'An Act to Fund the Debt of Siskiyou County," approved April twenty-ninth, one thousand eight hundred and fifty-seven, and amended and approved Feb-

rnary twenty-second, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 134, An Act to Confirm and Legalize the Assessment Roll or Tax List of Calaveras County, for the year one thousand eight hundred and fifty-nine, and to authorize the collection of the same;

Also, Assembly Bill, No. 145, An Act to authorize the Board of Super-

visors of Siskiyou County to transfer certain Funds;

Also, Assembly Bill, No. 158, An Act to extend the time for the collection of Taxes in the County of Plumas.

R. K. WESTON,

As't Clerk of Assembly.

Assembly Concurrent Resolution, No. 31, Relative to the New Alma-

den Mine-was taken up.

Mr. Merritt moved to refer it to the Committee on Federal Relations. Upon which the ayes and noes were demanded, by Messrs. Chase, Bradley, and Titus, and taken with the following result: Ayes, 10-noes,

AYES-Messrs. Eagon, Franklin, Lansing, Leet, Merritt, Parks, Quinn, Sharp, Titus, and Wheeler-10.

Noes-Messrs. Anderson, Bradley, Ballon, Chase, Dent, Haynes, Logan, McDonald, Peachy, Phelps, Redman, and Watson-12.

So the motion was lost.

Mr. Peachy moved to refer to the Judiciary Committee.

Pending the discussion Mr. Watson rose to a point of order, which was, that the gentleman (Mr. Merritt) was discussing the merits of the resolution, and not the question of reference.

The Chair decided the point of order not well taken. Upon the question of referring to the Judiciary Committee, the ayes and noes were demanded, by Messrs. Logan, Merritt, and Leet, and taken with the following result: Ayes, 13-noes, 9.

Ayes-Messrs, Anderson, Bradley, Chase, Dent. Eagon, Havnes, Logan,

McDonald, Parks, Peachy, Phelps, Redman, and Watson-13.

Nors-Messrs. Ballou, Franklin, Lansing, Leet, Merritt, Quinn, Sharp, Titus, and Wheeler-9.

So the resolution was so referred.

On motion of Mr. Sharp, the Judiciary Committee were empowered to send for persons and papers relative to the resolution just passed.

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 5, An Act to authorize the establishment of County Infirmaries for the relief of the Indigent, and to amend an Act entitled "An Act to provide for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-fivewas considered in Committee of the Whole and amended.

IN SENATE.

Reported back and amendments concurred in.

Mr. McDonald moved to strike out all after the word "provided," in

section twentieth, and all of section twenty-first.

Upon which the ayes and noes were demanded by Messrs. McDonald, Parks, and Lansing, and taken, with the following result: Ayes, 5—noes, 14.

Ayes-Messrs. Ballou, Leet, Logan, McDonald, and Parks-5.

Noes-Messrs. Bradley, Chase, Crittenden, Dent, Franklin, Haynes, Lansing, Merritt, Peachy, Phelps, Quinn, Redman, Sharp, and Titus-14.

So the motion was lost.

Mr. Sharp moved to amend by inserting, wherever the word "indigent" appears, the words "indigent persons," or "invalids."

Adopted.

The question being on the engrossment and third reading of the bill, Mr. Parks moved to make it the special order of the day for to-morrow, at twelve o'clock, M.

Carried.

FURTHER SPECIAL ORDER OF THE DAY.

Senate Bill, No. 22, An Act to define the Boundaries of Sutter County. On motion of Mr. Parks, it was made the special order of the day for Friday, February twenty-fourth, at twolve o'clock, M.

Mr. Lansing presented certain accounts.

Referred to the Committee on Contingent Expenses.

Mr. Logan moved to reconsider the vote by which Senate Bill, No. 12, An Act extending the privileges of the Homestead Law to certain Persons, and to regulate the Creation of the same, was passed on yesterday.

Upon which the ayes and noes were demanded by Messrs. Merritt, Mc-Donald, and Lansing, and taken, with the following result: Ayes, 9-

noes, 9.

AYES-Messrs. Ballou, Chase, Eagon, Haynes, Lansing, Logan, Merritt, Parks, and Sharp-9.

Noes-Messrs, Anderson, Bradley, Dent, Franklin, McDonald, Peachy, Quinn, Redman, and Vance-9.

So the motion to reconsider was lost.

REPORT.

Mr. Sharp, Chairman of the Committee on Public Expenditures, made the following report:

Mr. PRESIDENT:—Your Committee on Public Expenditures have examined the copying done for the Senate up to date, and find as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal Journal For Printer Tabular Statement Tabular Statement, for Printer Totals	836 836 806 806	15 ets. 10 15 10	\$125 40 83 60 120 90 80 60 \$410 50

Examined, audited, and allowed.

SOL. A. SHARP, Chairman. On motion of Mr. Sharp, the rules were suspended, and the report just read taken up and adopted.

Mr. Sharp asked and obtained leave of absence for Mr. Watkins for one

day.

Mr. Merritt presented a petition from citizens of Trinity County, praying for the passage of a Sunday Law.

Referred to the Committee on Public Morals.

REPORT.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. President:—Your Committee on Contingent Expenses, to whom was referred certain accounts herein set forth, have examined the same and recommend the payment thereof out of the Post-Office Fund.

Purpose.	Amount.
Sacramento Post Office. Wells, Fargo, & Co	\$288 20 50 00
Total	\$338 20

C. J. LANSING, Chairman.

On motion of Mr. Lansing, the rules were suspended and the report

just read taken up and adopted.

Mr. Titus, pursuant to notice, introduced a bill for an act entitled "An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, and the State's portion of the Foreign Miners' License Tax, which shall be collected in the said Counties for the year one thousand eight hundred and sixty-one, to be applied to the construction and improvement of certain Wagon Roads over the Sierra Nevada.

Read first and second times and referred to the Committee on Internal

Improvements.

Mr. Titus asked and obtained indefinite leave of absence for Mr. Kirk-

patrick.

Mr. Merritt moved to reconsider the vote by which Senate Bill. No. 90, An Act to provide for the Payment of a Judgment in favor of Trustum C. Gilman against the County of Contra Costa, was ordered engrossed on yesterday.

The motion to reconsider was laid on the table.

Mr. Haynes moved to reconsider the vote by which Assembly Bill. No. 131, An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou, was passed on yesterday.

Mr. Haynes was informed by the Chair that the bill had been returned

to the Assembly.

Whereupon Mr. Merritt, moved that the Secretary be instructed to request the Assembly to return the bill.

Carried.

Mr. Lansing introduced the following resolution:

Resolved, That the Controller of State is hereby authorized to draw his warrants in favor of the Clerks of the Committees of the Senate for their per diem from the commencement of the session of the Senate out of the appropriation for the pay of Clerks and attachés of the Senate.

Mr. Titus moved to amend by inserting "from the time of their appointment."

Mr. Vance moved to amend the amendment by inserting "from the time of their appointment to the time of their discharge."

Pending which, on motion of Mr. Titus, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of Senate.

IN SENATE.

SENATE CHAMBER, Thursday, February 16th, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

No quorum present.

Mr. Sharp moved a call of the Senate.

Carried

Roll called.

Absent—Mesrs. Ballou, Clark, Edgerton, McDonald, Pico, Redman, Vance, and Watkins.

The Sergeant at-Arms was dispatched for absentees.

Mr. Lansing, appearing at the bar of the Senate, was admitted. Mr. Franklin appearing at the bar of the Senate, was admitted.

On motion of Mr. Chase, further proceedings under the call were dispensed with.

Journal of yesterday read and approved.

Mr. Parks asked and obtained indefinite leave of absence for Mr. Wheeler.

Mr. Sharp asked and obtained leave of absence for Mr. Phelps, for one

Mr. Franklin presented a petition from citizens of Tuolumne County, praying for the passage of a Sunday Law.

Referred to the Committee on Public Morals.

REPORTS.

Mr. Parks, of Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills, have examined Senate Concurrent Resolution, No. 39, substitute for Assembly Concurrent Resolution, No. 43, Relative to proposed amendments to the Constitution;

Also, Senate Bill, No. 115, An Act to change the time of holding the Courts in the County of Placer:

Also, Senate Bill, No. 111, An Act to authorize the Board of Supervisors of Colusa County to levy a Special Tax for Building Purposes:

Also, Senate Bill, No. 127, An Act to change the name of Robert Good-

win to that of Robert Henry Wright-

And find the same correctly enrolled, and have this day presented the same to the Governor for his approval.

W. H. PARKS,

For Committee.

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Report accepted.

Mr. Bradley, Chairman of the Committee on Mines and Mining Interests, made the following report:

Mr. President:—The Committee on Mines and Mining Interests, to whom was referred Senate Bill, No. 114, An Act to provide for the appointment of a State Assayer of Ores and Metals, and to define his Duties, have had the same under consideration, and herewith return the bill, and recommend its passage.

B. T. BRADLEY,

Chairman.

Placed on file.

Mr. Parks. Chairman of the Committee on Public Morals, made the following report:

Mr. President:—Your Committee on Public Morals, to whom was referred Senate Bill, No. 103, An Act for the crection of a Building for a State Reform School, and for the regulation of the same, have had the same under consideration, and beg leave to report it back, with the following amendment, and recommend its passage as amended.

W. H. PARKS,

Chairman.

Placed on file.

AMENDMENT TO SECTION FOUR.

"They shall also, from their number, elect a General Superintendent, whose duty it shall be to superintend and transact all general business, under the direction and control of the said Board, who shall receive for his services as such, such compensation as may be allowed by the said Board, not to exceed the sum of two hundred dollars per month, whose term of office as such Superintendent shall expire at the completion of said building."

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, February 15, 1860.

Mr. President:—The Assembly have this day concurred in Senate amendments to Assembly Bill, No. 92, An Act to annex a portion of San Joaquin County to Stanislaus County.

Ř. K. WESTON, Assistant Clerk of Assembly.

Assembly Bill, No. 160, An Act to repeal an Act entitled "An Act to

provide for holding the January Term of the Seventeenth Judicial District in the County of Plumas—was read first and second times, and placed on file.

Assembly Bill, No. 22, An Act amendatory of, and supplementary to, the "Act defining the Rights of Husband and Wife"—was read first and sec-

ond times, and referred to the Judiciary Committee.

Mr. Sharp, presented a petition from Josiah II. Applegate, praying for Relief, and introduced a bill, by leave, for an act entitled An Act amendatory of, and supplemental to, an Act entitled "An Act to provide for the Funding and Payment of the outstanding Unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D., one thousand eight hundred and fifty-six," approved April twentieth, one thousand eight hundred and fifty-eight.

Read first and second times, and with the petition, was referred to the

San Francisco and San Mateo Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department, Sacramento, February 16th, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have approved Senate Bill, No. 83, An Act to amend an Act entitled "An Act concerning Passengers arriving in the ports of this State."

JOHN G. DOWNEY,

Governor.

INTRODUCTION OF BILLS.

Mr. Parker, by leave, introduced a bill for an act entitled An Act for the Relief of George W. Manchester.

Read first and second times, and referred to the San Francisco Delega-

ion.

Mr. Haynes, by leave, introduced a bill for an act entitled An Act fixing the time for holding the Court of Sessions and County Court, in the County of Del Norte.

Placed on file.

On motion of Mr. Parks, the usual number of copies of Senate Bill, No. 103, An Act for the erection of a building for a State Reform School, and for the regulation of the same, were ordered printed.

Mr. Titus, introduced the following resolution:

Resolved, That the Senate Committee on Military Affairs, be required to examine the vouchers of the Board of Examiners, created by An Act amendatory of an Act entitled "An Act authorizing the Treasurer of State to issue Bonds, for the payment of expenses incurred in the suppression of Indian Hostilities, in certain Counties of the State," approved April twenty-fifth, one thousand eight hundred and fifty-seven, approved April seventh, one thousand eight hundred and fifty-nine, and to report upon the amounts issued to the different counties, or localities referred to in said act.

I. S. TITUS.

Adopted.

On motion of Mr. Logan the usual number of copies of Senate Bill, No. 89, An Act to create the office of State Geologist, and define the Duties thereof—was ordered printed.

COMMUNICATION FROM THE ATTORNEY-GENERAL.

The following communication was received from the Attorney-General:

To the Honorable the Senate of California:

The resolution in reference to our State indebtedness, unprovided for by the act of April, one thousand eight hundred and fifty-seven, which passed the Senate on the thirteenth of January, reached this office soon after its passage. But in consequence of a severe and protracted illness, I have been wholly unable to give it earlier attention.

The questions involved in this resolution have attracted greater attention, and have been, and still are, of more importance to the people of this State than all others that have engrossed the public mind, and it is with no little degree of diffidence that I proceed to consider them.

The eighth article of our State Constitution declares that "The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate, with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in eases of war to repel invasions, or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability, as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such election," etc.

It is a question of serious controversy as to whether the article quoted is directory or mandatory. If directory only, it may be disregarded with impunity; but if mandatory, it should be obeyed. Foreible arguments of convenience and policy may be employed to sustain the proposition that it is merely directory or advisory, but I am decidedly of the opinion that the other view of the question, as a legal proposition, is the correct one.

The language used is similar in its prohibition to that contained in the following provisions, which have been invariably regarded as mandatory, to-wit: "No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed." "Neither slavery nor involuntary servitude, unless for punishment of crimes, shall ever be tolerated in this State." "No money shall be drawn from the treasury but in consequence of appropriations made by law." "No divorce shall be granted by the Legislature," etc. These are all instances of an express negation upon the exercise of legislative power. As a rule of construction of statutes, the most learned Judges of the country have held that when a compliance with the provisions of a statute appears essential to the judicial eye, although such provisions are merely in the form of a command, or when they contain an express prohibition upon the exercise of power, they must be strictly obeyed.

This rule should apply with great force to Constitutions especially, as

they are instruments framed with much greater care and caution than statutes. The presumption being that the framers of the instrument understood what they were saying, and meant what they said—a dangerous presumption if always indulged in when legislative acts are construed.

I am opposed to the practice of declaring constitutional provisions directory, and agree with Chief Justice Murray, who, when speaking of the case of Washington v. Page, in which the Supreme Court of this State declared the twenty-fifth section, article fourth, of the Constitution, merely directory, said: "This Court exercised one of the most dangerous powers ever committed to the hands of any tribunal, and for which

there are but few precedents."

If one positive requirement and provision of the Constitution may be avoided in that way, I see no reason why another may not. And by a frequency of such decisions and constructions, we will, instead of being directed by the plain expressed will of the people, find ourselves at sea, with no guide except the caprice of a constantly changing judiciary. Such a state of things would become peculiarly alarming, should our courts unfortunately fall into the practice of disregarding the old conservative doctrine of stare decisis. Then we might truly say the law is alone in the breasts of the Judges.

I have made a thorough examination of the books and authorities relating to this subject, and I have found no rule of construction of either Constitutions or statutes which would vary the constructions I have placed

upon the article quoted.

If, therefore, I am correct, it follows that all indebtedness created by the Legislature at a time when the previous debts and liabilities of the State exceeded three hundred thousand dollars is unconstitutional and void, unless the same was first submitted to a vote of the people. The courts would undoubtedly be compelled so to decide, if the Legislature should pass a law authorizing the State to be sued, and parties were to

prosecute actions based upon such claims.

I desire it to be understood by the Senate that I have merely stated the foregoing conclusion as a legal proposition, for I do not believe, and will hereafter attempt to show, that the prohibition contained in the eighth article of the Constitution amounts to anything more practically than a mere moral restraint upon the conscience of legislators. By disregarding their oath of office they may violate it at will, and there is no check upon them except their responsibility to their constituency. The inefficiency of this prohibition results from the legislative power of taxation and appropriation. That the Legislature has the power to levy taxes and appropriate the public money all admit. These powers are not derived from the Constitution, but are incidents to government, to the exercise of sovereignty.

And their existence admitted, it follows that their exercise is solely within legislative discretion, unless limited by constitutional provisions.

The only constitutional provisions relating to these subjects are the following: Article eleven, section thirteen—"Taxation shall be equal and uniform throughout this State," etc.; article one, section twelve—"In time of war no appropriation for a standing army shall be for a longer time than two years;" article four, section twenty-three—"No money shall be drawn from the treasury but in consequence of appropriations made by law."

The provisions quoted certainly do not expressly or by implication limit the legislative power of appropriation for the payment of the indebted-

ness spoken of in the resolution under consideration. But we are told that such limit is found in the eighth article of the Constitution; that a prohibition to contract is also a prohibition on the power to pay; that the Legislature cannot do indirectly that which it cannot directly, and that it would be doing so if permitted to pay a debt which it had not the power to create.

These are forcible arguments; but I do not conceive them necessarily correct or applicable. It is well established that a State Constitution only operates as a limitation upon the exercise of power, and that the government may exercise every power pertaining to governments not prohibited by its Constitution. In this respect it is the antipodes of our national Constitution, which is a mere grant of power. The convention which framed our Constitution necessarily understood this rule, and it seems to me that if they had intended to limit the legislative power of appropriation, such intention would have been expressed in plain and unequivocal terms. As such intention is not declared, we must presume that the convention intended by the prohibition in the eighth article only to impose a moral restraint upon the Legislature. The strict letter of the article goes no further, and I am not disposed to indulge in forced or latitudinous constructions.

The Legislature emphatically holds the purse-strings of the State, and may make such disposition as it deems proper of the public moneys. Even those who contend for this limitation to which I dissent, admit its power to make appropriations for other than mere governmental purposes, and that the extent to which such power shall be exercised is a matter of discretion. Appropriations have been made to the Washington Monument; to persons as rewards of merit; to those who have sustained injuries in attempting to arrest criminals, etc., etc. The power to do so has never been questioned. Suppose the Legislature should pass an act appropriating money to pay the indebtedness of A. B., would the constitutionality of the act be doubted? Most assuredly not. Is it not, then, absurd to say that the State may pay the debts of individuals, with the contraction of which she had no connection whatever, and yet deny the power of paying her own demands created directly by her agents?

The advocates of the doctrine which I oppose are compelled by their position to go further and claim that the courts may interpose, by injunction or otherwise, to enforce the prohibition against appropriations which they assert is contained by implication in the eighth article of the Constitution-a doctrine fraught with the most pernicious consequences to our institutions. It in effect invests the judiciary with the veto power, as to all acts of appropriation, and gives it the entire control of the financial affairs of the State; and, as remarked by Justice Daniel, in the United States v. Guthrie, "the government, under such a regime, or rather under such an absence of all rules, would, if practicable at all, be administered, not by the great departments ordained by the Constitution and laws, and guided by the modes therein prescribed, but by the uncertain and, perhaps, contradictory action of the courts in the enforcement of their views of private rights"-" to permit an interference of the courts of justice with the accounts and affairs of the treasury would soon sap its very foundations. Money would not be drawn out according to its own rules, nor could the Secretary ever inform Congress of the amount needed. Congress would of necessity be compelled to consult the court, not the Secretary, when making appropriations."

Our government is divided by our State Constitution into three distinct and independent departments, each being, within its own peculiar sphere,

supreme. Any attempt by one to encroach upon another should be prompt ly resisted by the latter. But at the same time care should be taken not to go beyond the mere line of resistance. As heretofore indicated, I regard the legislative power of appropriation of the public money as unlimited, except in the single case provided in section twelve, article one, and any interference by the judiciary with the exercise of such power as unwarrantable.

Should such interference be seriously and persistently attempted, the Legislature might deem it advisable to act upon the suggestion contained in the following extract from the opinion of Justice Mitchell, in Thompson v. The Commissioner of the Canal Fund (second Abbott, New York): "The Courts of the State are recognized in the Constitution, but the extent of their powers is prescribed by the Legislature. The Legislature could withhold entirely the power to grant an injunction in any case, and abolish it, or it can grant, with implied or express exceptions, that remedy. It has granted the remedy and prescribed the cases in which it is to be used. The State cannot be sued in its own courts for any cause of action. Can it be, then, that it was intended so far to violate this principle that its officers, when acting under a law passed by the Legislature, should be enjoined from proceeding under such law, because it may be deemed to be unconstitutional, or for any other reason? An injunction, when allowable, may be granted by any Judge of the court in which the action is brought, or by a County Judge. It could not be the intention of the law, that whenever any single Judge of the Supreme Court, or any County Judge should deem a law unconstitutional, he should, by injunction, prevent the officers of the State from acting under it. And above all, such intention could not exist in relation to laws for raising revenue to pay for works already authorized by law. If so, the collection of taxes might be delayed, because the law under which the Collector was proceeding had not been fully complied with, and laws equally essential to the support and the credit of the State might be suspended and subjected to the usual delays of the law, thus stopping effectually the wheels of government."

Respectfully, etc., THOS. H. WILLIAMS,

Attorney-General.

Mr. Leet moved that the usual number of copies of the communication be printed.

Upon which, the ayes and noes were demanded by Messrs. Leet, Vance, and Logan, and taken with the following result: Ayes, 8-noes, 15:

Aves - Messrs. Haynes, Lansing, Leet, Logan, McDonald, Peachy, Quinn, and Vance-8.

Noes-Messrs. Anderson, Bradley, Ballou, Chase, Crittenden, Dent, Eagon, Franklin, Merritt, Parker, Parks, Redman, Ryan, Sharp, and Titus-15.

So the motion was lost.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, February 16th, 1860. Mr. President:—The Assembly on the thirteenth inst., passed Assem-20sen

bly Bill, No. 154, An Act to fix the Compensation of the County Judge and District Attorney, of Sierra County:

Also, on vesterday, passed Assembly Bill, No. 115, An Act to protect

Female Children under seventeen years of age;

Also, Assembly Bill, No. 157, An Act to provide for settling the Boundary Line between the Counties of Sierra and Plumas, and the Counties

of El Dorado and Sacramento;

Also, Senate Bill, No. 54, An Act to repeal an Act entitled "An Act concerning Roads and Highways, in the County of Nevada," approved March second, one thousand eight hundred and fifty-nine, and an Act supplementary and explanatory of said Act.

Also, Senate Bill. No. 68, An Act to change the name of William C. Perry, to that of William C. Miller;

Also, Senate Bill, No. 53, An Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, to bind as Apprentices, Clerks, and Servants, Orphan and Half-Orphan children under their care and tuition, with Amendments;

Also, concurred in Senate Concurrent Resolution, No. —, Relative to leave of absence to Samuel E. Marshall, Supervisor of Tuolumne County.

R. K. WESTON, Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 154, An Act to fix the Compensation of the County Judge and District Attorney of Sierra County-was read first and second times and referred to the Senator from Sierra.

Assembly Bill, No. 115, An Act to protect Female Children under seventeen years of age-was read first and second times and referred to

the Committee on Public Morals.

Assembly Bill, No. 157, An Act to provide for settling the Boundary Line between the the Counties of Sierra and Plumas and the Counties of Sacramento and El Dorado-was read first and second times, and referred to the Committee on Counties and County Boundaries.

Senate Bill, No. 53, An Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society to bind as Apprentices, Clerks, and Servants, Orphan and Half-Orphan Children under their care and tuition-was taken up, and Assembly amendments concurred in.

Mr. Ballou moved to adjourn.

Upon which the ayes and noes were demanded, by Messrs. Merritt, Lansing, and Parks, and taken with the following result: Ayes, 10noes, 13.

Aves-Messrs. Anderson, Bradley, Ballou, Eagon, Lansing, Logan, Peachy, Quinn, Redman, and Vance-10.

Nors-Messrs. Chase, Crittenden, Dent, Franklin, Haynes, Leet, Mc-Donald, Merritt, Parker, Parks, Ryan, Sharp, and Titus-13.

So the motion to adjourn was lost. President pro tem. in the Chair.

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 106, An Act concerning the Office of Controllerwas considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments concurred in, ordered engrossed, and read a third time.

FURTHER SPECIAL ORDER.

Senate Bill, No. 105, An Act supplementary to, and amendatory of, "An Act concerning Officers," approved April twenty-eighth, one thousand eight hundred and fifty-one—was considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments concurred in, ordered engrossed, and and read a third time.

FURTHER SPECIAL ORDER.

Senate Bill, No. 5, An Act to authorize the establishment of County Infirmaries for the Relief of the Indigent, and to amend an Act entitled "An to provide for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five—was ordered engrossed, and read a third time.

REPORT.

Mr. McDonald, of the Sacramento Delegation, made the following report:

Mr President:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 153, entitled An Act fixing the time of holding the Court of Sessions and County Court in the County of Sacramento, have had the same under consideration, and report it back with an amendment, and recommend that it pass as amended:

Section six of this act shall take effect, and be in force, from and after its passage.

McDONALD, CLARK.

Placed on file.

On motion of Mr. McDonald, the rules were suspended, the bill just reported, taken up, and Considered in the Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments concurred in, rules further suspended,

bill read a third time and passed.

On motion of Mr. Sharp, the rules were suspended, and Senate Bill, No. 124, An Act to provide for the correct Report and Publication of the Decisions of the Supreme Court—was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill reported back, ordered engrossed, and read a third time.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act supplementary to an Act entitled "An Act to confer further powers upon the Board of Supervisors, and Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein

mentioned," approved April twenty-third, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the San Francisco Delega-

tion.

REPORT.

Mr. Anderson, Chairman of the Committee on Corporations, made the following report:

Mr. PRESIDENT:—The Committee on Corporations have had under consideration Senate Bill, No. 56, An Act to regulate the Transmission of News for the use of the Public Press over any line of Telegraph in this State, and the substitute proposed therefor.

The committee herewith return the foregoing, with a bill, which I am directed to propose as a proper bill to be passed under the circumstances.

ANDERSON, Chairman.

Placed on file.

On motion of Mr. Logan, the Senate adjourned.

N. QUINN,
President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

Senate Chamber, Friday, February 17th, 1860.

Senate met pursuant to adjournment.
President in the Chair.
Roll called.
Quorum present.
Journal of yesterday read and approved.

REPORTS.

Mr. Parks, Chairman of the Committee on Public Morals, made the following report:

Mr. President:—Your Committee on Public Morals, to whom was referred Assembly Bill, No. 115, An Act to protect Female Children under seventeen years of age, have had the same under consideration, and beg leave to report it back and recommend its passage.

W. H. PARKS,

Chairman.

Placed on file.

Mr. Parker of the San Francisco Delegation, made the following report:

Mr. President:—The delegation from the Fifth Senatorial District, to whom was referred Senate Bill, No. 143, An Act for the Relief of George N. Manchester, have had the same under consideration, and recommend the passage of the same with the following amendment:

Amend Section Two, by striking out "fifteen hundred," in the fourth line, and insert in place thereof, "three thousand."

S. H. PARKER,

For the Delegation.

Placed on file.

Mr. Clark, by leave, introduced a bill for an act entitled An Act in relation to Services rendered the State by the Officers of the City and County of Sacramento.

Read first and second times, and referred to the Sacramento Delega-

tion.

PETITIONS.

Mr. Vance, presented a petition from Robert B. Moore, a resident of Butte County, praying for the passage of an act authorizing him to build a Bridge at Oroville, in Butte County.

Referred to the Delegation from Butte and Plumas.

Mr. Vance, presented a petition from citizens of Butte County, praying for the repeal of the present Attachment Law.

Referred to the Judiciary Committee.

Mr. Haynes, gave notice, that he would at an early day, introduce a bill, providing for the Adjustment and Final Settlement of the indebtedness of Del Norte County, to Klamath County.

REPORTS.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate Bill, No. 123, entitled An Act defining the Rights of Purchasers at Sales on Execution, and their remedies, have had the same under consideration, and report the bill back, with the recommendation that it be indefinitely postponed.

Your committee have also had under advisement Senate Bill, No. 129, entitled An Act to prevent Illegal Traffic in Soda Water Bottles, and report the bill back, with the recommendation that the same be indefinitely

postponed.

Your committee have also had under consideration Senate Bill, No. 138, An Act to establish a Marine Court in the City and County of San Fran-

cisco, and report the bill back, and recommend its passage.

Your committee have also had under consideration Assembly Bill, No. 138, entitled An Act to amend 'An Act entitled "An Act amendatory of Section Four of 'An Act concerning Divorces,' "passed March twenty-fifth, one thousand eight hundred and fifty-one, approved April first, one thousand eight hundred and fifty-three, and report the bill back with the recommendation that the same be indefinitely postponed.

Mr. Sharp, objects to its indefinite postponement.

Your committee have also had under advisement Senate Bill, No. 128, entitled An Act amendatory of, and supplemental to, "An Act authorizing the Guardian or Guardians of certain Minors, to sell and dispose of their Real Estate, and Chattles Real," approved April eighth, one thousand eight hundred and fifty-nine, and report the bill back, and recommend its passage.

Your committee have also had under consideration Assembly Bill, No. 106, entitled An Act to amend an Act approved April seventh, one thousand eight hundred and fifty-seven, entitled "An Act to amend an Act en-

titled 'An Act to regulate Proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved March twenty-second, one thousand eight hundred and fifty-six, and report the bill back,

and recommend its passage.

Your committee have also had under advisement, Assembly Bill, No 12, entitled An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one, and report the bill back with the following amendment, and recommend its passage as amended:

Amend by striking out altogether, the words "Section Two," and "Sec-

tion Three.'

Your committee have also had under consideration Senate Bill, No. 126, entitled An Act to amend an Act entitled "An Act concerning the Office of Public Administrator, and making it Elective," approved April fifteenth, one thousand eight hundred and fifty-one, and report the bill back with the following amendments, and recommend its passage as amended:

Amend Section One, by inserting after the words "Section Two," line eight, as follows: "Every Public Administrator hereafter elected or ap-

pointed."

Amend, by adding at the end of the following proviso:

Provided, That the provisions of this act shall not apply to the city and county of San Francisco, and the city and county of Sacramento; but in said city and county of San Francisco and the said city and county of Sacramento, the Public Administrator shall give bonds, to be approved by the Probate Court, in the sum of not less than thirty thousand dollars, and shall procure general letters of administration on each estate, by petition, as in other cases.

Respectfully submitted.

MERRITT.

Chairman.

Placed on file.

Mr. Bradley, Chairman of the Committee on Mines and Mining Interests, made the following report:

Mr. President:—The Committee on Mines and Mining Interests, to whom was referred Senate Bill, No. 89, An Act to create the office of State Geologist, and define the Duties thereof, have had the same under consideration, and return the bill, recommending its passage.

B. T. BRADLEY, Chairman.

Placed on file.

GENERAL FILE.

Assembly Bill. No. 86, An Act to grant the right to construct a Bridge across the American River at its mouth, to parties therein mentioned—was considered in Committeee of the Whole.

IN SENATE.

Reported back, read a third time, and passed.

Senate Bill, No. 65, An Act concerning District Court Reporters—was considered in Committee of the Whole and amended.

IN SENATE.

Reported back.

Mr. Redman moved to strike out all after the enacting clause.

Upon which the ayes and noes were demanded by Messrs. Anderson, Leet, and Lansing, and taken, with the following result: Ayes, 16—noes, 5.

AYES-Messrs. Bradley, Chase, Crittenden, Eagon, Haynes, Lansing, Leet, Logan, Parker, Parks, Pico, Quinn, Ryan, Titus, Vance, and Watkins-16.

Noes-Messrs. Anderson, Clark, Franklin, Redman, and Sharp-5.

So the motion prevailed.

Mr. Watkins, by leave, introduced a bill for an act entitled An Act to provide for the Draining and Reclamation of certain Lands therein named, and for other purposes.

Read first and second times, and, on motion of Mr. Vance, was referred

to a Special Committee of Three.

The Chair announced the following as said committee:

Messrs. Vance, Parks, and Watkins.

A communication was received from the State Treasurer, relative to canceling certain State Bonds paid by former State Treasurers.

Mr. Titus offered the following resolution:

Resolved, That a committee of three be appointed by the Senate to examine and recommend what disposition shall be made of the old bonds, coupons, and other evidences of indebtedness, remaining in the office of the State Treasurer, paid by the former State Treasurers.

Adopted.

The Chair appointed as said committee, Messrs. Titus, Bradley, and Clark.

GENERAL FILE RESUMED.

On motion of Mr. Haynes, Assembly Bill, No. 126, An Act amendatory of "An Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof," approved March thirty-first, one thousand eight hundred and fifty-seven—was taken up, considered in Committee of the Whole, and amended.

IN SENATE

Reported back, amendments concurred in, bill read a third time, and

passed.

Senate Bill, No. 88, An Act appropriating Moneys for the benefit of the San Francisco Ladies' Protection and Relief Society—was considered in Committee of the Whole and amended.

IN SENATE.

Reported back, amendments concurred in, bill ordered engrossed, and

read a third time.

Senate Bill, No. 108, An Act amendatory of, and supplementary to, an Act entitled "An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State," approved April twenty-third, one thousand eight hundred and fifty-six—was considered in Committee of the Whole.

Pending the consideration of which-

IN SENATE

Mr. Bradley moved a call of the Senate.

Pending which, Mr. Titus moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Clark, Eagon, and Lansing, and taken, with the following result: Ayes, 6—noes, 17.

Ayes-Messrs. Anderson, Dent, Franklin, Haynes, Lansing, and Titus-6.

Noes-Messrs. Bradley, Ballou, Clark, Chase, Crittenden, Eagon, Leet, Logan, Merritt, Parker, Parks, Pico, Quinn, Redman, Ryan, Sharp, and Vance-17.

So the motion to adjourn was lost.

Mr. Lansing moved a call of the Senate.

Upon which the ayes and noes were demanded by Messrs. Titus, Bradley, and Lansing, and taken with the following result: Ayes, 6-noes, 15.

AYES—Messrs. Bradley, Clark, Eagon, Lansing, Quinn, and Titus—6. Noes—Messrs. Anderson, Ballou, Chase, Crittenden, Dent, Franklin, Haynes, Logan, Merritt, Parker, Parks, Pico, Redman, Sharp, and Vance—15.

So the motion was lost.

The question being on the further consideration of Senate Bill, No. 108, on motion of Mr. Parker, the further reading of the substitute offered by the Committee on Commerce and Navigation was dispensed with, and the whole subject matter made the special order of the day for Wednesday, February twenty-second, at twelve, M.

Mr. Vance moved that the Senate adjourn until Tuesday next, Febru-

ary twenty-first, at ten, A. M.

Pending the discussion of which, Mr. Eagon moved the previous ques-

tion.

Upon which the ayes and noes were demanded by Messrs. Merritt. Parks, and Lansing, and taken with the following result: Ayes, 12-noes, 11.

AYES-Messrs. Anderson, Bradley, Ballou, Clark, Eagon, Franklin-Lansing, Leet, Parker, Pico, Sharp, and Vance-12.

Noes-Messrs. Chase, Crittenden, Dent, Haynes, Logan, McDonald, Merritt, Parks, Quinn, Ryan, and Titus-11.

Mr. Anderson being outside the bar of the Senate when voting, Mr. Merritt objected to his vote being recorded.

Whereupon Mr. Ballou moved that Mr. Anderson be allowed to vote. Upon which the ayes and noes were demanded by Messrs. Merritt, Lansing, and Parks, and taken, with the following result: Ayes, 17—noes, 5.

AYES — Messrs. Bradley, Ballou, Clark, Chase, Crittenden, Eagon, Franklin, Haynes, Lansing, Leet, McDonald, Parker, Pico, Quinn, Ryan, Sharp, and Vance—17.

Noes-Messrs. Dent, Logan, Merritt, Parks, and Titus-5.

So Mr. Anderson's vote was allowed to stand as recorded, and the Senate stood adjourned until Tuesday, February twenty-first, one thousand eight hundred and sixty.

I. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Tuesday, February 21, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

No quorum present.

Mr. Lansing moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Bradley, Ballou, Clark, Crittenden, De la Guerra, Edgerton, Merritt, Pico, Redman, Titus, and Vance.

Mr. Sharp moved that further proceedings under the call be dispensed

with.

Lost.

Mr. De la Guerra appearing at the bar of the Senate, was admitted.

Mr. Merritt appearing at the Bar of the Senate, was admitted.

On motion of Mr. Chase, further proceedings under the call were dispensed with.

Journal of yesterday read and approved.

PETITIONS.

Mr. Kirkpatrick presented a petition from the lady citizens of Downieville, Sierra County, praying for the passage of a Sunday Law.

Referred to the Committee on Public Morals.

Mr. Merritt presented a petition from citizens of Mariposa, Tulare, Fresno, and Calaveras counties, praying for the formation of the County of Mono.

Referred to the Committee on Counties and County Boundaries.

Mr. Peachy presented a petition from citizens of San Francisco, praying for an appropriation for the Ladies' Seamen's Friend Society.

Referred to the Committee on Commerce and Navigation.

Mr. Leet presented a petition from citizens of Placer County, praying for the enactment of a Sunday Law.

Referred to the Committee on Public Morals.

Mr. Parks presented a petition from citizens of Sutter County, praying for the enactment of a Sunday Law.

Referred to the Committee on Public Morals.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,) Sacramento, February 16, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 115, An Act to change the time of holding the Court of Sessions and County Court, in the County of Placer;

Also, Senate Bill, No. 127, An Act to change the name of Robert Good-

win to that of Robert Henry Wright:

Also, Senate Bill, No. 111, An Act to authorize the Board of Supervisors of Colusa County to levy a Special Tax for Building Purposes; Also, Senate Concurrent Resolution, No. 39—

Resolved, By the Senate, the Assembly concurring, that four hundred and eighty copies be ordered printed of the proposed Amendments to the Constitution.

JOHN G. DOWNEY,

Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

Assembly Chamber, February 21, 1860.

Mr. President:—The Assembly on vesterday passed Assembly Bill, No. 146, An Act in relation to the Mountain Lake Water Company;

Also, Assembly Bill, No. 108, An Act to re-locate and fix the County Seat of Sierra County;

Also, Senate Bill, No. 35, An Act to appropriate Money to pay William

T. Barbour;

Also, concurred in Senate amendments to Assembly Bill, No. 153, An Act fixing the time of holding the Court of Sessions and County Court, in the County of Sacramento;

Also, on the fifteenth instant, passed Assembly Bill, No. 104, An Act

concerning Roads and Highways in the County of Nevada;

Also, on the sixteenth, passed Senate Bill, No. 101, An Act to authorize

William Potter to sell certain Real Estate; Also, on the seventeenth, passed Senate Bill, No. 112, An Act to authorize John S. Berry, Administrator of the estate of F. P. Bohen, deceased, to sell certain Real Estate in Butte County;

Also, Senate Bill, No. 48, An Act to appropriate Money to pay J. W.

Lockwood:

Also, Senate Bill, No. 36, An Act supplementary to an Act entitled "An Act granting the right of way over certain Lands of this State in the Counties of San Francisco and San Mateo," approved April twentysixth, one thousand eight hundred and fifty-eight, with amendments. R. K. WESTON,

Ass't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 146, An Act in relation to the Mountain Lake Water Company—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 108, An Act to locate and fix the County Seat of Sierra County-was read first and second times, and referred to the Sierra Delegation.

Assembly Bill, No. 104, An Act concerning Roads and Highways in the

County of Nevada—was read first and second times, and referred to the Nevada Delegation.

FURTHER MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, February 21, 1860.

To the Honorable the Senate of California:

I hereby nominate and appoint Samuel Knight as one of the Commissioners of the Funded Debt of the City of San Francisco, vice Charles J. Brenham, resigned, and respectfully ask his confirmation of your Honorable Body.

JOHN G. DOWNEY,

Governor.

Mr. Parks, Chairman of Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills have examined Senate Bill, No. 68, An Act to change the name of William C. Perry to

that of William C. Miller;

Also, Senate Bill, No. 54, An Act to repeal an Act entitled "An Act concerning Roads and Highways in the County of Nevada," approved March second, one thousand eight hundred and fifty-nine, and An Act supplemental and explanatory of said Act;

Also, Senate Bill, No. 53, An Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society to bind as Apprentices, Clerks, and Servants, Orphan and Half-Orphan Children under their care

and tuition;

Also, Senate Concurrent Resolution, No. 33, Relative to Leave of Ab-

sence to Samuel E. Marshal, Supervisor of Tuolumne County-

And have found the same correctly enrolled, and have this day presented them to the Governor for his approval.

W. H. PARKS,

For Committee.

Report accepted.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

February 21, 1860.

Mr. President:—The Assembly on the seventeenth instant, passed Assembly Bill, No. 196, An Act for the payment of J. Bithell;

Also, Assembly Bill, No. 199, An Act to legalize certain Records of the County of San Bernardino, and concerning the Records of said County;

Also, Senate Bill, No. 30, An Act for the Relief of Joshua D. Crippen,

Sheriff of Mariposa County;

Also, have this day concurred in Senate amendments to Assembly Bill, No. 126, An Act amendatory of "An Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof," approved March thirty-first, one thousand eight hundred and fifty-seven.

R. K. WESTON,

Ass't Clerk Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill, No. 36, An Act supplementary to an Act entitled "An Act granting the right of way over certain Lands of this State, in the Counties of San Francisco and San Mateo," approved April twenty-sixth, one thousand eight hundred and fifty-eight—

On motion of Mr. Parker, referred to the delegation from the Fifth

Senatorial District.

Assembly Bill, No. 196, An Act for the Payment of J. Bithell-was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 199, An Act to legalize certain Records of the County of San Bernardino, and concerning the Records of said County—was read first and second times.

On motion of Mr. Sharp, the rules were suspended, and the bill was

considered in Committee of the Whole.

IN SENATE.

Bill reported back, rules further suspended, read a third time and passed.

GENERAL FILE.

Senate Bill, No. 95, An Act for Opening and Repairing Roads in the County of Sutter—was considered in Committee of the Whole and amended.

IN SENATE.

Bill reported back, amendments concurred in.

On motion of Mr. Parks, the rules were suspended, bill considered engrossed, read a third time and passed.

Mr. Lansing moved a call of the Senate.

Lost.

Mr. Lansing moved to adjourn.

Lost.

On motion of Mr. Leet, Senate Bill, No. 108, An Act amendatory of, and supplementary to, an Act entitled "An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State," approved April twenty-third, one thousand eight hundred and fifty-six—was made the special order for Thursday, March first, at twelve, M.

Mr. Sharp, Chairman of the Committee on Public Expenditures, made the following report:

Mr. President:—Your Committee on Public Expenditures have examined the copying done for the Senate, and find it as follows:

Purpose.	Folio.	Per Folio.	Amount.
Journal, to February 20th		15 cts.	881 00
Journal for Printer		10 15	54 00 146 40
For Printer	976	10	97 60
Total	1,516		\$379 00

Examined, audited and allowed, up to this date, February twenty-first, one thousand eight hundred and sixty.

SOL. A. SHARP, Chairman.

Rules suspended and report adopted.

On motion of Mr. Leet, the Governor's Message, relating to the appointment of Samuel Knight as one of the Commissioners of the Funded Debt of the City and County of San Francisco—was made the special order for Thursday, February twenty-third, at twelve, M.

Mr. Sharp asked and obtained leave of absence for Messrs. Crittenden

and Bradley, for two days.

Mr. Parks, Chairman of Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills have examined Senate Bill, No. 48, An Act to appropriate Money to pay J. W. Lockwood, and find the same correctly enrolled, and have this day presented the same to the Governor for his approval.

W. H. PARKS,

For Committee.

Report accepted.

Mr. Ballou moved to adjourn until Thursday.

Pending which, Mr. Lansing moved a call of the Senate.

Mr. Parker rose to a point of order, that no motion could be entertained while a vote was being taken.

The Chair decided the point of order well taken.

The question recurring on the motion to adjourn until Thursday, the ayes and noes were demanded, by Messrs. Leet, Lansing, and Dent, and taken with the following result: Ayes, 9—noes, 10:

Ayes—Messrs. Ballou, De la Guerra, Franklin, Lansing, Leet, Parker, Peachy, Sharp, and Watson—9.

NoES-Messrs. Anderson, Chase, Dent, Kirkpatrick, Logan, McDonald,

Merritt, Parks, Quinn, and Ryan-10.

So the motion was lost.

Mr. Peachy moved to adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Parker, Leet, and Lansing, and taken with the following result: Ayes, 8—noes, 11:

AYES—Messrs. De la Guerra, Dent, Franklin, Kirkpatrick, McDonald, Merritt, Parks, and Peachy—8.

Noes-Messrs. Anderson, Ballou, Chase, Lansing, Leet, Logan, Parker,

Quinn, Ryan, Sharp, and Watson-11.

So the motion was lost.

On motion of Mr. Ballou, the Senate adjourned until Thursday, February twenty-fourth, at eleven, A. M.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Thursday, February 23, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journals of Tuesday read and approved.

PETITION.

Mr. Eagon presented a petition from citizens of Amador County, praying for the passage of a Sunday Law. Referred to the Committee on Public Morals.

REPORTS.

Mr. Parks, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:-Your Committee on Enrolled Bills have examined Senate Bill, No. 30, An Act for the Relief of Joshua D. Crippen, Sheriff of Mariposa County;

Also, Senate Bill, No. 35, An Act to Appropriate Money to pay W. T. Barbour, and find the same correctly enrolled, and have this day presented them to the Governor for his approval.

W. H. PARKS,

For Committee.

Report accepted. Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:-The Committee on Engrossed Bills have examined Senate Bill, No. 88. An Act Appropriating Moneys for the benefit of the San Francisco Ladies' Protection and Relief Society;

Also, Senate Bill, No. 105 An Act supplementary to, and amendatory of, "An Act concerning Offices," approved April twenty-eighth, one thousand eight hundred and fifty-one;

Also, Senate Bill, No. 106, An Act concerning the Office of Controller; Also, Senate Bill, No. 124, An Act to provide for the Correct Report and Publication of the Decisions of the Supreme Courts-

And find the same correctly engrossed.

G. W. DENT, Chairman.

Report accepted. Mr. Watkins, from the Yuba and Sutter Delegation, made the following report:

Mr. PRESIDENT:-The delegation from Yuba and Sutter, to whom was referred Senate Bill, No. 73, An Act amendatory of, and supplemental to, "An Act to grant the right to Construct and Maintain a Bridge across the Feather River," approved April twenty-sixth, one thousand eight hundred and fifty-eight, have had the same under consideration, and recommend its passage, with the following amendment:

Sec. 3. Provided, That there is nothing in this act, or in the act to which this is supplementary, which shall be so construed as to prevent the Board of Supervisors of the county of Sutter from erecting a bridge across Feather River at the foot of Fifth Street, Marysville, in accordance with an act passed at the Tenth Session of the Legislature, and approved April eleventh, one thousand eight hundred and fifty-nine, or in any way to enable the said Samuel J. Clarke, mentioned in the act to which this is supplemental, his associates or assigns, to obtain damages of the Board of Supervisors for the county of Sutter for the erection of said bridge at the foot of Fifth Street, Marysville.

WATKINS,

Chairman.

Placed on file.

Mr. Phelps, of the San Francisco and San Mateo Delegation, made the following report:

Mr. President:—The delegation from San Francisco and San Mateo, to whom was referred Senate Bill, No. 36, An Act supplementary to an Act entitled "An Act granting the Right of Way over certain Lands of this State, in the Counties of San Francisco and San Mateo," approved April twenty-sixth, one thousand eight hundred and fifty-eight, have had the same under consideration, and report the same back and recommend that the Senate do concur in the second and third Assembly amendments, and refuse to concur in the first amendment.

PHELPS.

For the Delgation.

Placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, February 23, 1860.

Mr. PRESIDENT:-The Assembly, on the seventeenth instant, passed Assembly Bill, No. 210, An Act to amend an Act entitled "An Act to Incorporate the City of Oakland," passed March twenty-fifth, one thousand eight hundred and fifty-four;

Also, on yesterday, passed Assembly Bill, No. 141, An Act to Regulate

Fees in Office in Sierra County;
Also, Assembly Bill, No. 28, An Act concerning certain Acknowledgments of Deeds and other Instruments in Writing affecting Real Estate;

Also, Assembly Bill, No. 15, An Act granting the privilege of running a Steam Ferry between Vallejo and Mare Island to Edward Lougon and Thomas Thornton, their successors and assigns;

Also, substitute for Assembly Bill, No. 120, An Act in relation to Min-

ing Copartnerships;

Also, Assembly Bill, No. 171, An Act to prevent the Stealing of Dogs; Also, Senate Bill, No. 64, An Act to Compensate the Resident Director of the State Prison.

> R. K. WESTON, Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 210, An Act to amend an Act entitled "An Act to Incorporate the City of Oakland," passed March twenty-fifth, one thousand eight hundred and fifty-four-was read first and second times, and referred to the Senator from Alameda;

Also, Assembly Bill, No. 141, An Act to regulate Fees of Office in Sierra County—was read first and second times, and referred to the Senator

from Sierra County:

Also, Assembly Bill, No. 28, An Act concerning certain Acknowledgments of Deeds, and other Instruments in Writing, affecting Real Estate -was read first and second times, and referred to the Judiciary Committee;

Also, Assembly Bill, No. 15, An Act granting the Privilege of Running a Steam Ferry, between Vallejo and Mare Island, to Edward Lougon and Thomas Thornton, their successors and assigns-was read first and sec-

ond times, and referred to the Committee on Corporations;

Also, Assembly Bill, No. 120, An Act in Relation to Mining Copartnerships—was read first and second times, and referred to the Committee on

Mines and Mining Interests; Also, Assembly Bill, No. 171, An Act to Prevent the Stealing of Dogs -was read first and second times, and referred to the Committee on Public Morals.

INTRODUCTION OF BILLS.

Mr. Logan, by leave, introduced a bill for an act entitled An Act empowering the Board of Supervisors of Shasta County, to allow the account of J. C. Hinckley & Co., for Publishing certain Delinquent Tax List.

Read first and second times, and on motion of Mr. Logan, the rules were suspended, the bill considered engrossed, read a third time and

On motion of Mr. Anderson, the Forty-Fifth Standing Rule of the Senate was suspended, and the Secretary authorized to immediately trans-

mit to the Assembly the bill just passed.

Mr. Dent, by leave, introduced a bill for an act entitled An Act to authorize the Board of Supervisors of San Joaquin County, to levy a Special Tax, for the purpose of assisting the San Joaquin Valley District Agricultural Society.

Read first and second times, and on motion of Mr. Dent, the rules were suspended, the bill considered engrossed, read a third time and passed.

The Forty-Fifth Standing Rule of the Senate was suspended, and the

bill just passed transmitted to the Assembly.

Mr. Kirkpatrick, by leave, introduced a bill for an act entitled An Act to provide for the Payment of a Digest of the Decisions of the Supreme Court, and for the distribution of the same.

Read first and second times. and referred to the Judiciary Committee. Mr. Kirkpatrick, by leave, introduced a bill for an act entitled An Act to amend "An Act to fix the times of holding the County Court, Probate Court, and Court of Sessions of Sierra County," approved March sixth, one thousand eight hundred and fifty-eight.

Read first and second times, the rules suspended, bill considered en-

grossed, read a third time and passed.

The Forty-Fifth Standing Rule of the Senate was suspended, and the bill just passed was transmitted to the Assembly.

PETITIONS.

Mr. Anderson, presented a petition from citizens of Folsom, Relative to Locating the Capital at that place.

Referred to the Special Capital Committee.

Mr. Haynes, presented a petition from citizens of Yreka, Siskiyou County, praying for the Repeal of the present Attachment Law.

Referred to the Judiciary Committee.

On motion of Mr. Parker, Senate Bill, No. 138, An Act to establish a Marine Court in the City and County of San Francisco, was taken from the General File, and re-referred to the San Francisco Delegation.

Mr. Dent, moved to take from the table, the motion by which Senate Bill, No. 90, An Act providing for the Payment of a Judgment in favor of Trustum C. Gilman, against the County of Contra Costa, was ordered engrossed, and read a third time.

Carried.

The Senate then refused to reconsider the vote by which the bill was ordered engrossed and read a third time.

GENERAL FILE.

Senate Bill, No. 88, An Act Appropriating Moneys for the benefit of the San Francisco Ladies' Protection and Relief Society—was read a third time.

The question being on its passage, the ayes and noes were demanded by Messrs. Merritt, Anderson, and Dent, and taken with the following result: Ayes, 17, noes—5:

Aves-Messrs. Bradley, Chase, Crittenden, De la Guerra, Eagon, Franklin, Haynes, Kirkpatrick, Leet, Merritt, Parker, Peachy, Phelps, Quinn, Ryan, Vance, and Watkins-17.

Noes-Messrs. Anderson, Dent, Lansing, Logan, and Parks-5.

So the bill was passed.

Senate Bill, No. 124, An Act to provide for the correct Report and Publication of the Decisions of the Supreme Court, was read a third time and passed.

Mr. Parker moved a call of the Senate.

Lost

SPECIAL ORDER OF THE DAY.

Governor's Message, appointing Samuel Knight as one of the Commissioners of the Funded Debt of the City of San Francisco—was taken up, and—

On motion of Mr. McDonald, the Senate went into Executive Session

for the purpose of considering the same.

The question being "shall the Senate advise, and consent to, the appointment of Samuel Knight as one of the Commissioners of the Funded Debt of San Francisco, the roll was called, with the following result: Ayes, 20—noes, none:

AYES—Messrs. Anderson, Bradley, Ballou, Chase, De la Guerra, Dent, Haynes, Lansing, Leet, Logan, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Quinn, Ryan, Vance, and Watson—20.

NoEs-None.

So the nomination was unanimously confirmed.

Mr. McDonald asked and obtained leave of absence for Mr. Clark for one day.

21sen

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,) Sacramento, February 23, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved the following bills, viz:

Senate Bill, No. 49, An Act to Appropriate Money to pay J. W. Lock-

wood;

Also, Senate Bill, No. 53, An Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, or any other Orphan Asylum Society in this State, to bind as Apprentices, Clerks, and Servants, Orphan, and Half-Orphan Children under their care and tuition;

Also, Senate Bill, No. 54, An Act to repeal an Act entitled "An Act concerning Roads and Highways in the County of Nevada," approved March second, one thousand eight hundred and fifty-nine, and An Act

supplementary and explanatory of said Act;

Also, Senate Bill. No. 68, An Act to Change the Name of William C. Perry to that of William C. Miller;
Also, Senate Concurrent Resolution, No. 33, Granting to Samuel E. Marshall, a member of the Board of Supervisors of Tuolumne County, leave of absence from the State for the period of six months from and after the passage of this resolution.

JOHN G. DOWNEY,

Governor.

COMMUNICATION FROM THE BOARD OF EXAMINERS.

The following communication was received from the Board of Examiners:

OFFICE BOARD OF EXAMINERS, Sacramento, February 23, 1860.

To the Honorable the Senate of California:

I transmit herewith to your Monorable Body a list of claims which have been passed upon by the Board of Examiners, together with the papers and decision of the Board in each case, viz:

Purpose.	Amount.
Claim No. 149, of T. A. Talbert, allowed	\$804 50 2,794 00 577 45 140 00
Total	\$1,315 95

I also transmit herewith, at request of claimants, a copy of the decision of the Board in the case of the Sisters of Mercy of San Francisco, by H. P. Gallagher, Agent or Attorney v. The State of California, No. 64, March fifth, one thousand eight hundred and fifty-nine.

JOHN G. DOWNEY,

Pres't Board of Examiners.

Referred to the Committee on Claims.

FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,

February 23, 1860. Mr. PRESIDENT:-The Assembly, on the twenty-first instant, passed Assembly Bill, No. 226, An Act to authorize the American River Water and Mining Company to extend their Works to, or near, the City of Sacramento, in the County of Sacramento, for the purpose of supplying the Inhabitants of said County with Water for Irrigating, Mechanical, Manufacturing, and other purposes for which the same may be required. R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 226, An Act to authorize the American River Water and Mining Company to extend their Works to, or near, the City of Sacramento, in the County of Sacramento, for the purpose of supplying the Inhabitants of said County with Water for Irrigating, Mechanical, Manufacturing, and other purposes for which the same may be required -was read first and second times and referred to the Committee on Mines and Mining Interests.

GENERAL FILE, RESUMED.

Senate Bill, No. 106, An Act concerning the Office of Controller—was read a third time, and, on motion of Mr. Lansing, was laid on the table. Senate Bill, No. 105, An Act supplementary to, and amendatory of, "An Act concerning Offices," approved April twenty-eighth, one thousand eight hundred and fifty-one-was taken up.

Mr. Chase moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Chase, Parker, and Parks, and taken, with the following result: Ayes, 9-noes, 13:

Aves-Messrs, Ballou, Chase, Franklin, Lansing, Leet, Parker, Parks, Phelps, and Quinn-9.

Noes-Messrs. Anderson, Bradley, De la Guerra, Dent, Eagon, Haynes, Kirkpatrick, Logan, McDonald, Merritt, Peachy, Sharp, and Vance-15.

So the motion was lost.

The bill was then read a third time and passed.

Senate Bill, No. 132, An Act defining the Number of Justices of the Peace in the City and Township of Placerville, in El Dorado County;

Also, report of Committee on State Hospitals-

Were, on motion of Mr. Parker, placed at the bottom of the file.

Senate Bill, No. 114, An Act to provide for the Appointment of a State Assayer of Ores and Metals, and to define his Duties-was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Lansing, the rules were suspended, the bill considered engrossed, and read a third time.

Pending the passage of which Mr. Kirkpatrick moved to lay on the

table.

Lost.

The question being on its passage, the ayes and noes were demanded by Messrs. Anderson, Kirkpatrick, and Lansing.

Mr. Kirkpatrick moved to make it the special order of the day for

Monday, February twenty-seventh, at twelve, M.

Trost.

The question recurring on the passage of the bill, the ayes and noes were taken, with the following result: Ayes, 21-noes, 4:

Ayes—Messrs. Anderson, Bradley, Ballou, Chase, Dent. Eagon, Franklin, Haynes, Lansing, Leet, Logan, Merritt, Parker, Peachy, Phelps, Quinn, Ryan, Sharp, Vance, Walkins, and Watson—21.

Noes-Messrs. De la Guerra, Kirkpatrick, McDonald, and Parks-1.

So the bill passed.

Mr. Anderson gave notice that on to-morrow he would move for a

reconsideration of the vote just taken.

Senate Bill, No. 136, An Act to amend an Act entitled "An Act to provide Revenue for the support of the Government of this State," approved May fifteenth, one thousand eight hundred and fifty-four—was considered in Committee of the Whole.

IN SENATE.

Reported back.

On motion of Mr. Phelps, the rules were suspended, the bill considered

engrossed, read a third time, and passed.

Assembly Bill, No. 137, An Act to authorize the Executrix of the Estate of William Hart, deceased, to sell Real Estate of her Testator at Private Sale—was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in, bill read a third time, and passed.
Senate Bill, No. 103, An Act for the crection of a Building for a State
Reform School, and for the Regulation of the same—was taken up.

Pending the consideration of which Mr. Kirkpatrick moved to adjourn. Upon which the ayes and noes were demanded by Messrs. Parker, Phelps, and Lansing, and taken, with the following result: Ayes, 14-noes, 9.

Ayes-Messrs. Anderson, Bradley, Ballou, Chase, De la Guerra, Dent, Franklin, Haynes, Kirkpatrick, Lansing, Logan, Merritt, Quinn, and Ryan-14.

Nors-Messrs. Eagon, Leet, McDonald, Parker, Parks. Peachy, Phelps,

Sharp, and Watson-9.

So the Senate adjourned.

1. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Friday, February 24, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journal of yesterday read and approved.

PETITION.

Mr. Edgerton presented a petition from citizens of Yolo County, Relative to the Location of their County Seat.

Referred to the Judiciary Committee.

REPORTS.

Mr. Parks, from Committee on Agriculture, made the following report:

Mr. PRESIDENT:—Your Committee on Agriculture, to whom was referred Assembly Bill, No. 52, An Act to extend "An Act to prevent Stallions from running at large in the County of Sacramento," approved March twenty-ninth, one thousand eight hundred and fifty-nine, have had the same under consideration, and report the same back, and recommend its passage, with the subjoined amendment:

Amend by inserting after the word "Yolo," the words "San Mateo,

Tulare."

W. H. PARKS, Chairman.

Placed on file.

Mr. Parks, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee on Enrollment have examined Senate Bill, No. 101, An Act to authorize William Potter to sell certain Real Estate;

Also, Schate Bill, No. 113, An Act to authorize John S. Berry, Administrator of the Estate of F. P. Bohem, deceased, to sell certain Real Estate in Butte County:

Also, Senate Bill, No. 64, An Act to Compensate the Resident Director

of the State Prison-

And have found the same correctly enrolled, and have this day presented them to the Governor for his approval.

W. H. PARKS,

For Committee.

Report accepted.

Mr. Peachy, Chairman of the Committee on Commerce and Navigation,
made the following report:

Mr. PRESIDENT:-The Committee on Commerce and Navigation make

the following report:

They recommend that Senate Bill, No. 109, An Act to declare Navigagable the Arroyo de San Antonio, or Rey's Creek, in Marin County, be referred to the delegation from that county; Also, that Senate Bill, No. 122, An Act authorizing certain Parties to construct a Wharf on Petaluma Creek, in Sonoma County, be referred to

the delegation from that district;

Also, that the substitute for Assembly Bill, No. 105, for an act entitled An Act to grant the right to construct a Bridge across the American River, at some point between Front and Seventh Streets, in the City of Sacramento, be referred to the delegation from Sacramento City and County;

Also, that Senate Bill, No. 71. An Act authorizing the construction of Wharfs at the foot of certain Streets in the City and County of San

Francisco, be indefinitely postponed;

Also, that Senate Bill, No. 107, An Act appropriating Moneys for the benefit of the Ladies' Seamen's Friend Society of San Francisco, be passed.

They also recommend the passage of Senate Bill, No. 77, An Act to establish Pilots and Pilot Regulations for Humboldt Bar and Bay, with the following amendments:

In section four, second line, strike out "he shall," and insert "it shall

be his duty to."

In section ten, first line, strike out "that," and insert "who," and in line six, after the word "employed," insert "said boat."

ARCHIBALD C. PEACHY.

Placed on file.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President—The Committe on Engrossed Bills have examined Senate Bill, No. 90, An Act providing for the Payment of a Judgment in favor of Trustum C. Gilman, against the County of Contra Costa, and find the same correctly engrossed.

DENT,

Chairman.

Report accepted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber,

February 24, 1860.

Mr. President:—The Assembly on yesterday passed Senate Bill, No. 148, An Act empowering the Board of Supervisors of Shasta County to allow the Account of J. C. Hinckley & Co., for publishing certain Delinquent Tax Lists;

Also, Senate Bill, No. 149, An Act to authorize the Board of Supervisors of San Joaquin County to levy a Special Tax for the purpose of

assisting the San Joaquin Valley District Agricultural Society;

Also, Senate Bill, No. 159, An Act to amend "An Act to fix the times of holding the County Court, Probate Court, and Court of Sessions, of Sierra County," approved March sixth, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 204, An Act to fix the Compensation of the

County Judge of Tuolumne County.

R. K. WESTON,

Assistant Clerk Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 204, An Act to fix the Compensation of the County Judge of Tuolumne County—was read first and second times.

On motion of Mr. Franklin, the rules were suspended, bill read a third

time and passed.

INTRODUCTION OF BILLS.

Mr. Kirkpatrick, by leave, introduced a bill for an act entitled An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for County purposes for the year one thousand eight hundred and sixty.

Read first and second times.

On motion of Mr. Kirkpatrick, the rules were suspended, the bill considered engrossed, read a third time and passed.

The Forty-Fifth Standing Rule of the Senate was suspended, and the Secretary authorized to transmit the bill just passed to the Assembly.

Mr. Watkins, by leave, introduced a bill for an act entitled An Act appropriating Moneys for Agricultural Purposes.

Read first and second times and referred to the Committee on Agricui-

ture

Mr. Parker, by leave, introduced a bill for an act entitled An Act in relation to a Macadamized Wagon Road in San Mateo County.

Read first and second times and referred to the delegation from the

Fifth Senatorial District.

Mr. Phelps, by leave, introduced a bill for an act entitled An Act to to amend an Act entitled "An Act to amend An Act to provide Revenue for the Support of the Government of this State," approved April twenty-ninth, one thousand eight hundred and fifty-seven, approved April twenty-fourth, one thousand eight hundred and fifty-eight.

Read first and second times and referred to the Committee on Agricul-

ture.

Mr. Haynes, by leave, introduced a bill for an act entitled An Act to authorize the Board of Supervisors of Del Norte County to levy a Special Tax for County purposes.

Read first and second times.

On motion of Mr. Haynes, the rules were suspended, the bill considered engrossed, read a third time and passed.

The Forty-Fifth Standing Rule of the Senate was suspended, and the

bill just passed transmitted to the Assembly.

On motion of Mr. Phelps, the rules were suspended, and Senate Bill, No. 36, An Act supplementary to an Act entitled "An Act granting the right of way over certain Lands of this State, in the Counties of San Francisco and San Mateo," approved April twenty-sixth, one thousand eight hundred and fifty-eight—was taken from file.

The Senate concurred in the second and third Assembly amendments,

and refused to concur in the first amendment.

Mr. Dent gave notice that he would on to-morrow, or at an early day thereafter, introduce a bill for An Act making Appropriations for Deficiencies in Appropriations made for the Tenth Fiscal Year ending June thirtieth, one thousand eight hundred and fifty-nine, and the Eleventh Fiscal Year ending June thirtieth, one thousand eight hundred and sixty.

GENERAL FILE.

Senate Bill, No. 90, An Act providing for the Payment of a Judgment

in favor of Trustum C. Gilman, against the County of Contra Costa -was

read a third time and passed.

Assembly Bill, No. 160, An Act to repeal an Act entitled "An Act to provide for holding the January Term of the Seventeenth Judicial District in the County of Plumas-was read a third time and passed.

Senate Bill, No. 144, An Act fixing the time for holding the Court of Sessions and County Court, in the County of Del Norte-was considered

in Committee of the Whole.

IN SENATE.

Reported back, considered engrossed, read a third time and passed. Senate Bill, No. 56. An Act to Regulate the Transmission of News for

the use of the Public Press over any line of Telegraph in this State, was-On motion of Mr. Phelps, made the special order for Tuesday, February twenty-eighth, one thousand eight hundred and sixty, at twelve, M. Senate Bill, No. 89, An Act to create the office of State Geologist and

define the Duties thereof, was-

On motion of Mr. Logan, made the special order for Saturday, March third, one thousand eight hundred and sixty, at twelve, M.

Senate Bill, No. 143, An Act for the Relief of George W. Manchester -was considered in Committee of the Whole and amended.

Reported back, amendments concurred in, bill ordered engrossed, and read a third time.

Assembly Bill, No. 115, An Act to Protect Female Children under Seventeen Years of Age-was considered in Committee of the Whole.

IN SENATE.

Reported back, bill read a third time and passed.

Senate Bill, No. 123, An Act defining the Rights of Purchasers at Sales on Execution and their Remedies.

The question being on the indefinite postponement of the bill, as recom-

mended by the Judiciary Committee.

On motion of Mr. Watkins, it was laid on the table.

Senate Bill, No. 22, An Act to define the Boundaries of Sutter County. On motion of Mr. Parks, made the Special Order for Tuesday, February twenty-eighth, one thousand eight hundred and sixty, at twelve, M. Mr. Bradley, asked and obtained leave of absence for Mr. Eagon, for two days, and Mr. Chase, for one day.

Mr. Leet, offered the following resolution:

Resolved, That the Judiciary Committee, be instructed to report back to the Senate, Senate Bill, No. 60, at their earliest convenience.

Adopted.

GENERAL FILE RESUMED.

Senate Bil, No. 129, An Act to prevent Illegal Traffic in Soda Water Bottles-was considered in Committee of the Whole.

IN SENATE.

Bill recommitted to the Sacramento Delegation.

Assembly Bill, No. 62, An Act to prohibit Gaming—was considered in Committee of the Whole.

IN SENATE.

Reported back.

Mr. Parker, moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Parker, Logan, and Lansing, and taken with the following result: Ayes, 6—noes, 18:

AYES—Messrs. Franklin, McDonald, Parker, Parks, Titus, and Watson

Noes-Messrs. Anderson, Bradley, Ballou, Clark, Crittenden, Dent, Edgerton, Haynes, Kirkpatrick, Lansing, Leet, Logan, Merritt, Peachy, Quinn, Ryan, Sharp, and Watkins-18.

So the motion was lost.

On motion of Mr. Clark, it was made the Special Order for Friday, March second, one thousand eight hundred and sixty, at twelve, M.

COMMUNICATION FROM THE BOARD OF EXAMINERS.

The following communication was received from the Board of Examiners:

Office Board of Examiners, Sacramento, February 24th, 1860.

To the Honorable the Senate of California:

I herewith transmit to your Honorable Body, a claim which has been passed upon and disapproved by the Board of Examiners, together with the papers and opinion of the Board on said claim, to wit: Claim No. 154, John Perry Jr., v. The State.

JOHN G. DOWNEY,
President Board Examiners.

Communication, with accompanying papers, referred to the Committee on Claims.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, February 24th, 1860.

Mr. President:—The Assembly, on the twenty-first inst., passed Assembly Bill, No. 189, An Act to authorize the Sale of the Real Estate of the late Joel Allen, deceased.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 189, An Act to authorize the Sale of the Real Estate of the late Joel Allen, deceased—was read first and second times, and placed on file.

GENERAL FILE RESUMED.

Assembly Bill, No. 106, An Act to amend an Act, approved April seventh, one thousand eight hundred and fifty-seven, entitled "An Act to amend an Act entitled 'An Act to regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one, approved March twenty-second, one thousand eight hundred and fifty-sixwas taken up and indefinitely postponed;

Also, Senate Bill, No. 128, An Act amendatory and supplemental to "An Act authorizing the Guardian or Guardians of certain Minors, to Sell and Dispose of their Real Estate and Chattles Real," passed April eighth,

one thousand eight hundred and fifty-nine-

On motion of Mr. Titus, the rules were suspended, the bill considered

engrossed, read a third time and passed.

The Forty-Fifth Standing Rule of the Senate was suspended, and the bill just passed, transmitted to the Assembly.

Mr. Sharp, presented the account of Wm. Wright, for services as Porter of the Supreme Court.

Referred to the Committee on Claims.

Assembly Bill, No. 138, An Act to amend an Act entitled "An Act amendatory of Section Four, of 'An Act concerning Divorces,'" passed March twenty-fifth, one thousand eight hundred and fifty-one, approved April first, one thousand eight hundred and fifty-three-was on motion of Mr. Watkins, made the Special Order for Wednesday, February twentyninth, one thousand eight hundred and sixty, at twelve o'clock, M.

Also, Assembly Bill, No. 12, An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one-was considered in Committee of the

Whole and amended.

IN SENATE.

Amendments concurred in, bill read a third time and passed.

Senate Bill, No. 126, An Act to amend an Act entitled "An Act Concerning the Office of Public Administrator, and making it Elective," approved April fifteenth, one thousand eight hundred and fifty-four-was considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, bill ordered engrossed, and read a third time.

President pro tem. in the Chair.

UNFINISHED BUSINESS.

Senate Bill, No. 103, An Act for the erection of a building for a State Reform School, and for the regulation of the same-was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Sharp, the bill was made the special order for Monday, February twenty-seventh, one thousand eight hundred and sixty, at

twelve, M.

Senate Bill, No. 73, An Act amendatory of, and supplementary to, "An Act to grant the right to construct and maintain a Bridge across the Feather River," approved April twenty-sixth one thousand eight hundred and fifty-eight—was considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, and-

On motion of Mr. Watkins, the rules were suspended, the bill consid-

ered engrossed, read a third time and passed.

Senate Bill, No. 132, An Act defining the number of Justices of the Peace in the City and Township of Placerville, in El Dorado County—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Titus, the rules were suspended, the bill considered engrossed, read a third time and passed, and the Forty-Fifth Standing Rule was suspended, and the bill transmitted to the Assembly.

Mr. Logan moved a call of the Senate.

Carried.

On motion of Mr. Phelps, further proceedings under the call were dispensed with.

The report of the Committee on State Hospitals was taken up, and

adopted.

Mr. Titus, of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 5, An Act to authorize the establishment of County Infirmaries for the Relief of the Indigent, and to amend an Act entitled "An Act to provide for the Indigent Sick, in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five, and find the same correctly engrossed.

I. S. TITUS.

For the Committee.

Report accepted.

Mr. Logan moved to reconsider the vote by which Senate Bill, No. 114, An Act to provide for the appointment of a State Assayer of Ores and Metals and to define his Duties, was passed on yesterday.

Pending which, Mr. Parks moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Crittenden, De la Guerra, Edgerton, Kirkpatrick, Leet, Phelps, Pico, Redman, and Ryan.

The Sergeant-at-Arms was dispatched for absentees.

On motion of Mr. Sharp, further proceedings under the call were dis-

pensed with.

The question recurring on the motion to reconsider, the ayes and noes were demanded by Messrs, Parks, Anderson, and Logan, and taken with the following result: Ayes, 15—noes, 9:

Ayes-Messrs. Anderson, Clark, Crittenden, De la Guerra, Dent, Franklin, Haynes, Logan, McDonald, Parks, Peachy, Quinn, Ryan, Sharp, and Titus-15.

Noes—Messrs. Bradley, Ballou, Lansing, Leet, Merritt, Parker, Phelps, Watkins, and Watson—9.

So the vote was reconsidered.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. President:—Your Committee on Contingent Expenses, to whom was referred certain accounts herein set forth, have examined the same, and recommend the payment thereof, out of the Contingent Fund of the Senate:

The second secon	
Purpose.	Amount.
C. T. Botts.	\$40.50

C. J. LANSING, Chairman.

The rules were suspended, and the report just read was taken up, and adopted.

Mr. Parks moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded, by Messrs, Merritt, Lansing, and Leet, and taken with the following result: Ayes, 14-noes, 10:

Aves-Messes, Anderson, Bradley, Ballon, Crittenden, De la Guerra, Dent, Franklin, Haynes, Logan, McDonald, Parks, Peachy, Quinn, and Titus-14.

Nons-Messrs, Clark, Lausing, Leet, Merritt, Parker, Phelps, Ryan, Sharp, Watkins, and Watson-10.

So the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

Senate ('Hamber, Saturday, February 25th, 1860.)

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

REPORTS.

Mr. Watkins, Chairman of the Committee on Claims, made the following report:

Mr. PRESIDENT:—The Committee on Claims having had under consideration the following claims, beg leave to report:

Assembly Bill, No. 196, An Act for the Payment of J. Bithell, and

recommend its passage;

Also, Senate Bill, No. 63, An Act to provide for the Payment of D. O.

Mills & Co., with a substitute, and recommend the passage of the substitute:

Also, Senate Bill, No. 130, An Act concerning Assessments in San Joaquin County, with a substitute, and recommend the passage of the substitute;

Also, report a bill, providing for the payment of certain parties therein named, and recommend its passage;

Also, the claim of N. De Alfaro.

The claimant, in this case, a resident of the city of Paris, Empire of France, is the possessor of eight bonds of the State of California, which, he says, he sent to this State to be funded under the provisions of the act of one thousand eight hundred and fifty-seven, but which, he charges, failed to be accomplished, through favoritism, or some such cause. From the evidence of the Treasurer and Controller, your committee are of the opinion that the Agent of the claimant did not use sufficient diligence in the prosecution of the affair, and when the bonds were presented for funding the amount prescribed in the aforesaid act had been exhausted.

Your committee are, therefore, of the opinion, that the claimant will have to await the passage of some general act which will afford him relief

in the premises.

WATKINS,

Chairman.

Placed on file.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engressed Bills have examined Senate Bill, No. 95, An Act for Opening and Repairing Roads in the

County of Sutter;

Also, Senate Bill, No. 136, An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State," approved May fifteenth, one thousand eight hundred and fifty-four, and find the same correctly engrossed.

DENT, Chairman.

Report accepted.

Mr. Parks, Chairman of the Committee on Agriculture, made the following report:

Mr. President:—Your Committee on Agriculture have examined Senate Bill, No. 134, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning Lawful Fences," and recommend its passage without amendment.

W. H. PARKS,

Chairman.

Placed on file.

Mr. Parks, for Committee on Enrollment, made the following report:

Mr. President:—The Committee on Enrollment have examined Senate Bill, No. 149, An Act to authorize the Board of Supervisors of San Joaquin County to levy a Special Tax for the purpose of assisting the San Joaquin Valley District Agricultural Society;

Also, Senate Bill, No. 150, An Act to amend "An Act to Fix the Times of holding the County Court, Probate Court, and Court of Sessions of

Sierra County," approved March sixth, one thousand eight hundred and

fifty-eight;

Also, An Act empowering the Board of Supervisors of Shasta County to allow the Account of J. C. Hinckley & Co., for Publishing certain Delinquent Tax Lists, and have found the same correctly enrolled, and have this day presented them to the Governor for his approval.

W. H. PARKS,

For Committee.

Report accepted.

Mr. De la Guerra, Chairman of the Committee on Finance, made the following report:

Mr. PRESIDENT:—The Finance Committee, to whom was referred Assembly Bill, No. 122, An Act to amend an Act entitled "An Act concerning the Office of County Assessor," passed April twenty-seventh, one thousand eight hundred and ——;

Also, Senate Bill, No. 110, An Act to provide for the Annual Appointment of a Standing Committee on Claims, have had the same under consideration, and herewith report them back, recommending their passage;

Also, considered Assembly Bill, No. 30, An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State," so far as relates to the Counties of Santa Clara and Contra Costa, and report the same back, with the recommendation that it be referred to the Judiciary Committee to report upon the constitutionality of the said bill;

Also, Assembly Bill, No. 132, An Act to amend section second of an Act entitled "An Act to provide for the Appointment of Deputy County Treasurers," approved May fifteenth, one thousand eight hundred and fifty-four, and recommend its passage with the following amendments:

In section first, line fourth, after the word "shall," insert " if directed

by the Board of Supervisors of his county."

In section first, lines seven, eight, and nine, strike out the words "the sum of not less than fifteen thousand dollars," and insert in fieu thereof "a sum to be fixed by the Board of Supervisors of the respective counties."

PABLO DE LA GUERRA,

Chairman.

Placed on file.

Mr. Merritt, Chairman of the Committee on Judiciary, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Assembly Bill. No. 146, entitled An Act in relation to the Mountain Lake Water Company, have had the same under consideration, and report the bill back and recommend its passage.

Messrs. Peachy and Anderson voting against its passage.

Respectfully submitted.

MEDIRIRIUM.

Chairman.

Placed on file.

Mr. Clark, for the Sacramento Delegation, made a verbal report, recommending the passage of Assembly Bill, No. 105, An Act to grant the right to Construct a Bridge across the American Fork River at a point north of C Street, North, and between Front and Seventh Streets, as designated on the plat or plan of the City of Sacramento.

On motion of Mr. Clark, the rules were suspended, the bill read a third time, and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, February 25, 1860.

Mr. President:—The Assembly on yesterday passed substitute for Assembly Bill, No. 24, An Act to Regulate the Fees of Witnesses in Criminal Cases;

Also, adopted Assembly Concurrent Resolution, No. 53, Relative to Ne-

vada Territory.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 24, An Act to regulate the Fees of Witnesses in Criminal Cases—was read first and second times and referred to the Judiciary Committee.

Assembly Concurrent Resolution, No. 53, Relative to Nevada Territory

-read and referred to the Committee on Federal Relations.

Mr. Leet asked and obtained leave of absence for Mr. Vance for three days.

INTRODUCTION OF BILLS.

Mr. Haynes, pursuant to notice, introduced a bill for an act entitled An Act for the Adjustment and Final Settlement of the Indebtedness of Del Norte County to Klamath County.

Del Norte County to Klamath County.

Mr. Ryan, by leave, introduced a bill for an act entitled An Act to Change the Name of the Town of Union to that of the Town of Arcata.

Read first and second times and placed on file. Mr. Peachy introduced the following resolution:

Resolved, By the Senate, that the Judiciary Committee be, and they are hereby, instructed to report forthwith back to the Senate, Senate Bill, No. 86, An Act to Ratify and Confirm Order, No. 172, of the Board of Supervisors of the City and County of San Francisco.

Mr. Sharp moved to amend by striking out "forthwith," and insert

"on or before Wednesday next."

Upon the adoption of the amendment the ayes and noes were demanded by Messrs. Peachy, Merritt, and Parks, and taken, with the following result: Ayes, 16—noes, 7:

AYES—Messrs. Bradley, Ballou, Clark, Crittenden, Dent. Franklin, Haynes, Lansing, Leet, Logan, McDonald, Merritt, Sharp, Titus, Watkins, and Watson—16.

Noes-Messrs. Anderson, Chase, De la Guerra, Parks, Peachy, Red-

man and Ryan-7.

So the amendment was adopted.

The resolution, as amended, was then adopted.

REPORT.

Mr. Ballou, Chairman of the Committee on Mileage, made the following report:

Mr. President:-The Committee on Mileage report the sum of fiftyone dollars and twenty cents due Senator Watson, payable out of the Contingent Fund of the Senate.

BALLOU, Chairman.

Rules suspended and report adopted. Mr. Parks offered the following resolution:

Resolved, That the Enrolling Clerk of the Senate be, and he is hereby, allowed an Assistant, whose compensation shall be eight dollars per day.

Referred to Enrolling Committee.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, ? Sacramento, February 25th, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have approved the following bills, viz:

Senate Bill, No. 35, An Act to Appropriate Money to pay W. T. Bar-

Also, Senate Bill, No. 30, An Act for the Relief of Joshua D. Crippen,

Sheriff of Mariposa County;

Also, Senate Bill, No. 101, An Act to authorize William Potter to sell

certain Real Estate;
Also, Senate Bill, No. 64, An Act to Compensate the Resident Director

of the State Prison;
Also, Senate Bill, No. 113, An Act to authorize John S. Berry, Administrator of the Estate of F. P. Bohen, deceased, to sell certain Real Estate in Butte County.

JOHN G. DOWNEY,

Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, February 25, 1860.

Mr. PRESIDENT :- The Assembly has this day receded from its first amendment to Senate Bill, No. 36, An Act supplementary to an Act entitled "An Act granting the Right of Way over certain Lands of this State, in the Counties of San Francisco and San Mateo, and have also concurred in the Senate amendment to Assembly Amendment, No. 2. R. K. WESTON,

As't Clerk of Assembly.

GENERAL FILE.

Senate Bill, No. 5, An Act to authorize the Establishment of County

Infirmaries for the Relief of the Indigent, and to amend an Act entitled "An Act to provide for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five—was read a third time and passed.

Mr. Lansing made a verbal report, recommending the passage of Assembly Bill, No. 104, An Act concerning Roads and Highways in the

County of Nevada.

On motion of Mr. Lansing, the rules were suspended, the bill read a third time, and passed.

GENERAL FILE RESUMED.

Assembly Bill, No. 189, An Act to authorize the Sale of Real Estate of the late Joel Allen, deceased—was considered in Committee of the Whole.

IN SENATE.

Read a third time and passed.

Mr. Lansing asked and obtained leave of absence for Mr. Kirkpatrick for one day.

Mr. Watkins asked and obtained leave of absence for Mr. Sharp for one

day.

Mr. Chase asked and obtained leave of absence for Mr. Edgerton for

one day.

Senate Bill, No. 77, An Act to Establish Pilots and Pilot Regulations for Humboldt Bay and Bar—was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Ryan, the rules were suspended, the bill considered

engrossed, read a third time, and passed.

Assembly Bill, No. 146, An Act in relation to the Mountain Lake Water Company—was considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Assembly Bill, No. 52, An Act to extend "An Act to prevent Stallions from Running at Large in the County of Sacramento," approved March twenty-ninth, one thousand eight hundred and fifty-nine—was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Watkins, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of Senate.

21sen

IN SENATE.

SENATE CHAMBER, Monday, February 27, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of Saturday read and approved.

Mr. Anderson asked and obtained leave of absence for Mr. Leet, for two days.

Mr. Ballou asked and obtained leave of absence for Mr. Vance, for three

days.

Mr. Phelps asked and obtained leave of absence for Messrs. Peachy and Parker, for one day each.

REPORTS.

Mr. Dent, Chairman of Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 126. An Act to amend an Act entitled "An Act concerning the office of Public Administrator, and making it elective," approved April fifteenth, one thousand eight hundred and titty-foar;

Also, Senate Bill, No. 143, An Act for the Relief of George W. Manchester. Administrator of the Estate of Thomas Manchester, deceased;

Also, Senate Bill, No. 144, An Act fixing the time for holding the Court of Sessions and County Court, in the County of Dei Norte, and find the same correctly engrossed.

ENT, Chairman

Report accepted.

Mr. Titus, of the Committee on Public Expenditures, made the following report:

STATE OF CALIFORNIA,

To J. R. Beard, Secretary of Senate, Dr.:

Description of Work.	Folios.	Amount.
Copying Surveyor General's Report for Printer Copying Report of Director of State Reform School Copying Report of State Registrar Copying Senate Bill, No. 102 Copying Senate Bill, No. 117 Copying Senate Bill, No. 133 Copying Senate Bill, No. 135 Copying Senate Bill, No. 140 Copying Senate Bill, No. 103 Copying Senate Bill, No. 103 Copying Senate Bill, No. 89	675 220 125 30 12 15 120 60 55 30	\$67 50 22 00 12 50 3 00 1 20 1 50 12 00 6 00 5 50 3 00
Total	1,323	8134 20

I. S. TITUS,
Of the Committee.

Mr. Phelps asked and obtained the unanimous leave of the Senate for the Committee on Engrossment to insert the enacting clause in Senate Bill, No. 73, An Act amendatory of, and supplementary to, "An Act to grant the right to construct and maintain a Bridge across the Feather River," approved April twenty-sixth, one thousand eight hundred and fifty-eight.

Mr. Watkins, Chairman of the Committee on Claims, made the follow-

ing report:

Mr. President:—The Committee on Claims, to whom was referred Senate Bill, No. 31, An Act to appropriate Money for the Relief of Justus Hovey, would respectfully report, that on the fifteenth day of March, one thousand eight hundred and fifty-six, an Act was passed making appropriations for the civil expenses of the government of the State, in which, among other things, the sum of three thousand dollars was appropriated for translating the laws into Spanish. (See acts of one thousand eight

hundred and fifty-six, page forty-six.)

Thomas R. Eldredge was regularly employed by the then Secretary of State, David F. Douglass, to make the translation at sixty cents per folio, who performed the work and delivered the laws so translated to the then Secretary of State, who accepted and receipted for the same on the eighth day of May, one thousand eight hundred and fifty-seven, and certified to the account of said Eldredge, amounting to six hundred and twenty-three dollars and seventy cents, and that the same was payable out of the appropriation made March fifteenth, one thousand eight hundred and fifty-six.

This claim was regularly presented to the Board of Examiners on the ninth day of May, one thousand eight hundred and fifty-seven, and by them allowed, and on the eleventh of May, one thousand eight hundred and fifty-seven, the said Eldredge assigned his claim to Justus Hovey. By the law, as it then stood, all balances of appropriations remaining unexpended at the end of the fiscal year for which they were made, were transferred to the General Fund.

No portion of this appropriation was ever expended, as appears from the Controller's book; but the sum thus appropriated went back into the General Fund. The work was not completed, and account presented, until May eighth, one thousand eight hundred and fifty-seven, when the

Controller refused to draw his warrant for the same.

Your committee, therefore, recommend the passage of the bill, with the

following amendment:

After the word "California," in the ninth line, insert the words "passed in one thousand eight hundred and fifty-six."

H. P. WATKINS,

Chairman.

Placed on file.

Mr. Redman, of the Fourth Senatorial District, made the following report:

Mr. President:—The undersigned, to whom was referred Assembly Bill, No. 210, An Act to amend an Act entitled "An Act to Incorporate the City of Oakland," passed March twenty-fifth, one thousand eight hundred and fifty-four, has considered the same, and recommend its passage.

R. A. REDMAN, Senator from the Fourth District.

On motion of Mr. Redman, the rules were suspended, and the bill just reported was read a third time and passed.

REPORTS.

Mr. Titus, for the El Dorado and Sacramento delegations, made the following report:

Mr. PRESIDENT:-The delegations of Sacramento and El Dorado counties, to whom was referred Senate Bill, No. 39, An Act authorizing the Board of Supervisors of El Dorado County, to Levy a Bridge Toll, at Brockliss' on the Sacramento and El Dorado Wagon Road over the Sierra Nevada, have had the same under consideration, and beg leave to report the same back, recommending its passage.

I. S. TITUS.

R. D. CRITTENDEN,

Of the El Dorado Delegation.

R. C. CLARK,

Of the Sacramento Delegation.

Placed on file.

Mr. Titus, of the El Dorado Delegation, made the following report:

Mr. President:-The El Dorado Delegation, to whom was referred Senate Bill, No. 104, An Act to authorize the Board of Supervisors of the County of El Dorado, to take and subscribe Three Hundred Thousand Dollars, to the Capital Stock of the Placerville and Folsom Railroad Company, and to provide for the Payment of the same, and other matters relating thereto, have had the same under consideration, and respectfully report the same back, recommending its passage.

I. S. TITUS. R. D. CRITTENDEN. For the Delegation.

Placed on file.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,) Sacramento, February 27th, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have approved the fol-

lowing Senate bills, viz:

Senate Bill, No. 148, An Act empowering the Board of Supervisors of Shasta County, to allow the account of J. C. Hinckley & Co., for Publishing certain Delinquent Tax Lists;

Also, Senate Bill, No. 150, An Act to amend an Act to fix the times of holding the County Court and Court of Sessions of Sierra County, approved March sixth, one thousand eight hundred and fifty-eight.

JOHN G. DOWNEY.

Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, February 26, 1860.

Mr. President:—The Assembly on Saturday, passed Assembly Bill,

No. 237, An Act creating a Contingent Fund for the County of Tuolum-

ne;

Also, Senate Bill, No. 128, An Act amendatory and supplemental to, "An Act authorizing the Guardian or Guardians of certain Minors, to Sell and Dispose of their Real Estate and Chattles Real," passed April eighth, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 153, An Act to authorize the Board of Supervisors of Del Norte County, to Levy an Additional Tax, for County Pur-

poses;

Also, concurred in Senate Amendments to Assembly Bill, No. 137, An Act to authorize the Executrix of the Estate of William Hart, deceased, to Sell Real Estate of her Testator, at Private Sale.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 237, An Act creating a Contingent Fund, for the County of Tuolumne—was read first and second times, and referred to the Tuolumne Delegation.

INTRODUCTION OF BILLS.

Mr. Redman, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act Concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty.

Read first and second times, and referred to the Judiciary Committee.
Mr. Logan, by leave, introduced a bill for an act entitled An Act to authorize the Board of Supervisors of Shasta County, to audit and allow the Clerk of the Court of Sessions, additional Pay for services in certain Cases.

Read first and second times, and on motion of Mr. Logan, the rules were suspended, the bill considered engrossed, read a third time and passed.

On motion of Mr. Merritt, Senate Bill, No. 71, An Act authorizing the Construction of certain Wharves, at the foot of certain Streets in the City and County of San Francisco.

Re-referred to the Committee on Commerce and Navigation.

REPORTS.

Mr. Parks, of Committee on Enrollment, made the following report:

Mr. President:—The Committee on Enrollment, have examined Senate Bill, No. 36, An Act supplementary to "An Act Granting the Right of Way over certain Lands, in this State, in the Counties of San Francisco and San Mateo," approved April twenty-sixth, one thousand eight hundred and fifty-eight, and have found the same correctly enrolled, and have this day taken it to the Governor for his approval.

W. H. PARKS,

Report accepted.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. PRESIDENT:-The Committee on Engrossed Bills have examined

Senate Bill, No. 73, An Act amendatory of, and supplementary to, "An Act to grant the right to construct and maintain a Bridge across Feather River," approved April twenty-sixth, one thousand eight hundred and fifty-eight, and find the same correctly engrossed.

DENT, Chairman.

Report accepted.

GENERAL FILE.

Sonate Bill No. 126. An Act to amend an Act entitled "An Act concerning the office of Public Administrator and making it Elective,' approved April fifteenth, one thousand eight hundred and fifty-four—was read a third time and passed.

Senate Bill, No. 143. An Act for the relief of George W. Manchester, Administrator of the Estate of Thomas Manchester, Deceased—was read

a third time and passed.

Senate Bill, No. 134, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning Lawful Fences,"—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Clark, the usual number of copies were ordered printed, and the bill made the special order for Thursday, March first, one thousand eight hundred and sixty, at twelve, M.

Senate Bill, No. 158, An Act for the adjustment and final settlement of the Indebtedness of Del Norte County to Klamath County—was consid-

ered in Committee of the Whole.

IN SENATE.

Bill ordered engrossed, and read a third time.

Senate Bill, No. 110, An Act to provide for the appointment of a Joint Standing Committee on Claims—was considered in Committee of the Whole.

IN SENATE.

Bill ordered engrossed, and read a third time.

Senate Bill, No. 107. An Act appropriating Moneys for the benefit of the Ladies' Seamen's Friend Society of San Francisco—was, on motion of Mr. Phelps, laid on the table.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

Mr. President:—The Assembly, on the twentieth instant, passed Assembly Bill, No. 215, An Act to Fund the Debt of the County of Sonoma and provide for the Payment of the same;

Also, on the twenty-third instant, Assembly Bill, No. 235, An Act to authorize the Board of Supervisors of Tehama County to levy certain

Taxes in said County and to create a Contingent Fund;

Also, Assembly Bill, No. 193, An Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act to regulate Proceedings in Criminal Cases in this State," passed May first

one thousand eight hundred and fifty-one, passed April twenty-second,

one thousand eight hundred and fifty-eight;

Assembly Bill, No. 167, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one, approved April seventh, one thousand eight hundred and fifty-seven.

R. K. WESTON,

As't Clerk of the Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 215, An Act to Fund the Debt of the County of Sonoma, and provide for the Payment of the same—was read first and second times, and placed on file.

Assembly Bill, No. 235, An Act to authorize the Board of Supervisors of Tehama County to levy certain Taxes in said County and to create a

Contingent Fund-was read first and second times, and-

On motion of Mr. Logan, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Assembly Bill, No. 193, An Act to amend an act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act to regulate Proceedings in Criminal Cases in this State.'" passed May first, one thousand eight hundred and fifty-one, passed April twenty-second, one thousand eight hundred and fifty-eight—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 167, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one, approved April seventh, one thousand eight hundred and fifty-seven—was read first and second times, and referred to the Judiciary Committee.

GENERAL FILE RESUMED.

Assembly Bill, No. 30, An Act to amend an Act entitled "An Act to provide Revenue for the support of the Government of this State," so far as relates to the Counties of Santa Clara and Contra Costa—was taken up, and referred to the Judiciary Committee.

Assembly Bill, No. 132, An Act to amend Section Two of an Act entitled "An Act to provide for the appointment of Deputy County Treasurers," approved May fifteenth, one thousand eight hundred and fifty-

four-was considered in Committee of the Whole.

Pending which, the hour arrived for the

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 103, An Act for the erection of a Building for a State Reform School and for the regulation of the same—taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Reported back, amendments concurred in, bill ordered engrossed, and read a third time.

GENERAL FILE RESUMED.

Assembly Bill, No. 122, An Act to amend an Act entitled "An Act concerning the Office of County Assessor," passed March twenty-seventhone thousand eight hundred and fifty—taken up, read a third time, and passed.

Mr. Watson, by leave, introduced a bill for An Act to Audit and Allow

certain Claims.

Read first and second times, and referred to Committee on Claims.

On motion of Mr. Clark, Senate Bill, No. 31, An Act for the Relief of Justus Hovey—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Bill reported back, amendments concurred in, rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. McDonald, the title was amended by inserting after

the word "Hovey," the words "Assignee of Thomas R. Eldridge."

Consideration of Assembly Bill, No. 132, An Act to amend Section Two of an Act entitled "An Act to provide for the appointment of Deputy County Treasurers," approved May fifteenth, one thousand eight hundred and fifty-four—was resumed.

The question being on the passage of the bill, it was lost.

Mr. Lansing presented certain accounts, which were referred to the Committee on Contingent Expenses.

On motion of Mr. Titus, the rules were suspended, and the report of

the Committee on Public Expenditures adopted.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. President:—Your Committee on Contingent Expenses, to whom were referred certain accounts, herein set forth, have examined the same, and recommend the payment thereof, out of the Contingent Fund of the Senate:

Purpose.	
James Anthony & Co., for newspapers	\$59 00

C. J. LANSING, Chairman.

On motion of Mr. Lansing, the rules were suspended, and the report

just read was taken up and adopted.

On motion of Mr. Clark, Assembly Bill, No. 196, An Act for the payment of J. Bithell—was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

On motion of Mr. Merritt the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Tuesday, February 28th, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Edgerton presented a petition from citizens of Solano County, Relative to the Hog Law, which was referred to the Senator of that district.

Mr. Phelps asked and obtained leave of absence for Mr. Sharp, for yesterday.

PETITIONS.

Mr. Titus, presented a petition from citizens of El Dorado County, praying for the Repeal of the Charter of the City of Placerville.

Referred to the El Dorado Delegation.

Mr. Vance, presented a petition from citizens of Butte County, praying for the Repeal of the present Hog Law.

Referred to the delegation from Butte and Plumas.

Mr. Vance, presented a petition from citizens of Butte County, relative to a Sheep Law.

Referred to the Committee on Agrigulture.

REPORTS.

Mr. Phelps, Chairman of the Committee on Roads and Highways, made the following report:

Mr. President:—Your Committee on Roads and Highways, to whom was referred Assembly Bill, No. 83, An Act Concerning Roads and Highways in the Counties of Alameda and Santa Clara, have had the same under consideration, and report the bill back, and recommend its passage with the following amendment:

Amend section twenty-three, line three, by striking out the word "repealed," and inserting the words, "declared inapplicable to the coun-

ties of Alameda and Santa Clara."

PHELPS, Chairman.

Placed on file.

Mr. Bradley, Chairman of the Committee on Mines and Mining Interests, made the following report:

Mr. President:—The Committee on Mines and Mining Interests, to whom was referred substitute for Assembly Bill, No. 120, An Act in relation to Mining Copartnerships, have had the same under consideration, and herewith return the bill with an amendment, and recommend its passage as amended.

B. T. BRADLEY, Chairman.

Placed on file.

Amendment to substitute for Assembly Bill, No. 120, as recommended by the Senate Committee on Mines and Mining Interests.

Strike out "Section Seven."

B. T. BRADLEY, Chairman.

Mr. Parks, from Committee on Enrolled Bills, made the following re port:

Mr. President :- The Committee on Envollment have examined and found correctly enrolled, Senate Bill, No. 128, An Act amendatory and supplemental to "An Act authorizing the Guardian or Guardians of certain Minors, to Sell and Dispose of their Real Estate, and Chattles Real," approved April eighth, one thousand eight hundred and fifty-nine:

Also, Senate Bill, No. 153, An Act to authorize the Board of Supervisors of Del Norte County, to Levy an additional Tax for County Purposes, and have found the same correctly enrolled, and have this day pre-

sented the same to the Governor for his approval.

W. H. PARKS, For Committee.

Report accepted. Mr. Dent, Chairman of the Committee on Engressed Bills, made the following report:

Mr. President: The Committee on Engrossed Bills have examined Senate Bill, No. 31, An Act Appropriating Money for the Relief of Justus Hovey, Assignee of Thomas R. Eldridge;

Also, Senate Bill, No. 138, An Act for the Adjustment and Final Settlement of the Indebtedness of Del Norte County, to Klamath County, and find the same correctly engrossed.

DENT.

Chairman.

Report accepted.

Mr. Franklin of the Tuolumne Delegation, made the following report:

Mr. President:-The Tuolumne Delegation, to whom was referred Assembly Bill, No. 257, An Act creating a Contingent Fund for the County of Tuolumne, have had the same under consideration, and report the bill back, and recommend its passage with the following amendment: Strike out "ten," in fourth line, and insert "six."

FRANKLIN.

For Delegation.

On motion of Mr. Franklin, the rules were suspended, and the bill just reported taken up.

The amendment recommended by the delegation adopted, the bill read

a third time and passed.

Mr. Watson, Chairman of the Committee on Federal Relations, made a verbal report on Assembly Concurrent Resolution, No. 53, Relative to Nevada Territory, recommending its passage.

Placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

February 28, 1860. Mr. PRESIDENT:-The Assembly on yesterday passed Senate Bill, No. 18, An Act to authorize Martha Buckelew and her assigns to Build a Wharf at Agnes Island in Marin County;

Also, Senate Bill, No. 45, An Act to Audit and Allow the Claim of Brit-

ton & Rey;

Also, Senate Bill, No. 93, An Act to authorize the City and County of San Francisco to Settle certain Claims;

Also, Senate Bill, No. 121, An Act to provide for the Building of a

Turnpike or Graveled Road in Santa Clara County;

Also, Senate Bill, No. 131, An Act to Change the Name of Andrew

Jackson Kneettle to Andrew Jackson Brewer;

Also, Senate Bill, No. 160, An Act to authorize the Board of Supervisors of Shasta County to Audit and Allow the Clerk of the Court of Sessions additional Pay for Services in certain cases;

Also, Assembly Bill, No. 57, An Act to prohibit the Sale and Disposal

of Adulterated, Spiritous, or Alcoholic Liquors, Wines, or Cider.

R. K. WESTON.

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 57, An Act to prohibit the Sale and Disposal of Adulterated, Spiritous, or Alcoholic Liquors. Wines or Cider-was read first and second times and referred to the Committee on Public Morals.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, February 28, 1860.

To the Honorable the Senate of California:

I hereby nominate and appoint Alfred G. Morgan as Superintendent of Immigration at the port of San Francisco, and respectfully ask for the confirmation of the same by your Honorable Body.

JOHN G. DOWNEY,

Governor.

The consideration of the message was laid over for one day under the rules.

INTRODUCTION OF BILLS.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act amending an Act entitled "An Act to Establish the Industrial School Department of the City and County of San Francisco," approved April fifteenth, one thousand eight hundred and fifty-eight.

Read first and second times and referred to the San Francisco Delega-

tion.

Mr. Phelps, by leave, introduced a bill for an act entitled An Act concerning Publications.

Read first and second times and referred to the Judiciary Committee. Mr. Titus, by leave, introduced a bill for an act entitled An Act amendatory of an Act entitled "An Act authorizing the Treasurer of State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State," approved April twenty-fifth, one thousand eight hundred and fifty-seven, and An Act amendatory thereof, approved April seventh, one thousand eight hundred and fifty-nine.

Read first and second times and referred to the Committee on Claims. Mr. Vance, by leave, introduced a bill for an act entitled An Act authorizing and empowering Hiram Eackert, of Butte County, Guardian of Frank Spencer Eackert, to Convey, by good and sufficient Deed or Deeds, certain Lands in said County.

Read first and second times, rules suspended, bill considered engrossed,

ordered engrossed, and read a third time.

Mr. Watson, by leave, introduced a bill for an act entitled An Act to authorize the Executors of the Estate of Peter Tracy, deceased, to sell Real Estate at Public or Private Sale.

Read first and second times.

On motion of Mr. Watson, the rules were suspended and the bill considered in Committee of the Whole.

IN SENATE.

Mr. Clark moved to refer to the Judiciary Committee, with special instructions.

Lost

The bill was then considered engrossed, read a third time, and passed.

INTRODUCTION OF BILLS.

Mr. Titus, by leave, introduced a bill for an act entitled An Act in relation to a Bulkhead or Sea-Wall in the City and County of San Francisco.

Read first and second times.

Mr. Phelps moved to refer the bill to the San Francisco Delegation. Mr. Anderson moved to amend by referring the bill to a Special Com-

mittee of five.

Pending which, Mr. Phelps moved to refer the bill to the Committee on

Commerce and Navigation.

Upon which the ayes and noes were demanded by Messrs. Peachy, Phelps, and Lansing, and taken, with the following result: Ayes, 12—noes, 16.

AYES-Messrs. De la Guerra Dent, Haynes, Kirkpatrick, McDonald,

Merritt, Parker, Parks, Peachy, Phelps, Ryan, and Watson-12.

Noes-Messrs. Anderson, Bradley, Clark, Chase, Crittenden, Eagon, Edgerton, Franklin, Lansing, Logan, Pico, Quinn, Sharp, Titus, Vance, and Watkins-16.

So the motion to refer to the Committee on Commerce and Navigation was lost.

The question then recurring on Mr. Anderson's amendment, the ayes

and noes were demanded by Messrs. Phelps, Titus, and Lansing.

Pending which, Mr. Sharp moved to amend the amendment by referring to a Special Committee of five, to be composed of three of the San Francisco Delegation.

Mr. Lansing rose to a point of order, that no Senator has a right to

speak on a question after the decision of the Chair.

The Chair decided the point of order well taken.

Pending the discussion of Mr. Sharp's amendment the hour arrived for the

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 22, An Act to Define the Boundaries of Sutter County.

Mr. Anderson moved to lay on the table.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Peachy, and Watson, and taken with the following result: Ayes, 14—noes, 14:

AYES-Messrs. Anderson, Bradley, Crittenden, Eagon, Edgerton, Franklin, Haynes, Lansing, Pico, Quinn, Sharp, Titus, Vance, and Watkins-14.

Noes—Messrs. Clark, Chase, De la Guerra, Dent, Kirkpatrick, Logan, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Ryan, and Watson—14.

So the motion to lay on the table was lost.

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 22, An Act to define the Boundaries of Sutter County—was considered in Committee of the Whole.

IN SENATE.

Mr. Vance moved to indefinitely postpone the bill.

Mr. Parks moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Eagon, Kirkpatrick, Merritt, and Redman.

Mr. Merritt appearing at the bar of the Senate, was admitted.

Mr. Merritt moved that the Senate do now adjourn.

Mr. Parker rose to a point of order, that no motion could be entertained by the Chair while under a call of the Senate.

The Chair decided the point of order well taken.

On motion of Mr. Vance, further proceedings under the call were dis-

pensed with

The question recurring on the motion to indefinitely postpone the bill, the ayes and noes were demanded, by Messrs. Parks, Merritt, and Lansing, and taken with the following result: Ayes, 9—noes, 16:

AYES-Messrs. Anderson, Bradley, Crittenden, Dent, Franklin, Lansing,

Parker, Quinn, and Vance-9.

NOES—Messrs. Ballou, Chase, De la Guerra, Eagon, Edgerton, Haynes, Logan, Merritt, Parks, Phelps, Pico, Ryan, Sharp, Titus, Watkins, and Watson—16.

So the Senate refused to indefinitely postpone the bill.

Mr. Peachy rose to a question of privilege, relative to re-referring Senate Bill, No. 71, An Act authorizing the construction of certain Wharfs at the foot of certain Streets in the City and County of San Francisco.

The question being on the engrossment and third reading of the bill

under consideration-

Mr. Anderson moved to make it the special order for Friday, March

second, at twelve, M.

Upon which, the ayes and noes were demanded, by Messrs. Parks, Anderson, and Vance, and taken with the following result: Ayes, 17—noes, 10:

AYES—Messrs. Anderson, Bradley, Chase, Crittenden, De la Guerra, Dent, Eagon, Franklin, Haynes, Lansing, McDonald, Parker, Pico, Quinn, Sharp, Vance, and Watkins—17.

Noes-Messrs. Ballou, Clark, Edgerton, Logan, Merritt, Parks, Phelps,

Ryan, Titus, and Watson-10.

So the bill was made the special order for Friday, March second, at

Mr. Watson, Chairman of the Committee on Federal Relations, verbally reported on Assembly Concurrent Resolution, No. 38, Relative to taking

the Census;
Also, Assembly Concurrent Resolution, No. 39, Relative to Claims

against Mexico, and recommended their passage.

Mr. Merritt rose to a question of privilege, in replying to Mr. Peachy, relative to re-referring Senate Bill, 71, An Act authorizing the construction of certain Wharfs at the foot of certain Streets in the City and County of San Francisco.

Mr. Sharp, Chairman of the Committee on Public Expenditures, made

the following report:

Mr. President:—Your Committee on Public Expenditures have examined the copying done for the Senate, up to date, and find it as follows:

Purpose.	Folio.	Per Folio.	Amount.
Journal Journal for Printer Table of Statistics Table of Statistics for Printer		15 cts. 10 15 10	\$45 00 30 00 63 00 42 00
Total	1,440		\$180 00

Examined, audited and allowed, up to this date, February twenty-eighth, one thousand eight hundred and sixty.

SOL. A. SHARP, Chairman.

On motion of Mr. Sharp, the rules were suspended, and the report just read was taken up and adopted.

FURTHER SPECIAL ORDER.

Senate Bill, No. 56, An Act to Regulate the Transmission of News for the use of the Public Press over any line of Telegraph in this State—was taken up.

On motion of Mr. Lansing, it was made the special order for Friday,

March second, at twelve, M.

Mr. Sharp, of the San Francisco Delegation, made the following report:

Mr. President:—The delegation from the Fifth Senatorial District, to whom was referred Senate Bill, No. 166, entitled An Act amending an Act entitled "An Act to establish the Industrial School Department of the City and County of San Francisco," approved the fifteenth day of April, one thousand eight hundred and fifty-eight, have had the same

under consideration, and herewith report the same back, and recommend its passage without amendment.

SOL. A. SHARP, For the Delegation.

On motion of Mr. Sharp, the rules were suspended, and the bill just reported was taken up, and considered in Committee of the Whole.

IN SENATE

On motion of Mr. Sharp, the rules were further suspended, the bill considered engrossed, read a third time and passed.

Mr. Merritt moved that the Senate do now adjourn until Thursday

next.

Upon which, the ayes and noes were demanded, by Messrs. Titus, Clark, and Lansing, and taken with the following result: Ayes, 12-noes, 16:

Aves-Messrs, Ballou, De la Guerra, Dent, Franklin, Merritt, Parker,

Peachy, Phelps, Pico, Ryan, Vance, and Watson-12.

Noss-Messis. Anderson, Bradley, Clark, Chase, Crittenden, Eagon, Edgerton, Haynes, Lausing, Logan, McDonald, Parks, Quinn, Sharp, Titus, and Watkins-16.

So the motion was lost.

Mr. Edgerton moved that when the Senate adjourn this day, it adjourn until Friday, March second, one thousand eight hundred and sixty.

Carried.

Mr. Watson moved to suspend the Forty-Sixth Standing Rule of the Senate and consider the Governor's Message, relative to the appointment of Alfred G. Morgan as Superintendent of Immigration at the Port of San Francisco.

Lost.

Mr. Ryan moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Titus, Anderson, and Lansing, and taken with the following result: Ayes, 11—noes, 17:

AYES-Messrs. Ballou, De la Guerra, Dent, Merritt, Parker, Parks, Pea-

chy, Phelps, Pico, Ryan, and Watson-11.

Nors-Messrs. Anderson, Bradley, Clark, Chase, Crittenden, Eagon, Edgerton, Franklin, Haynes, Lansing, Logan, McDonald, Quinn, Sharp, Titus, Vance, and Watkins-17.

So the motion was lost.

FURTHER CONSIDERATION OF BILL.

Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead in the City and County of San Francisco.

The question being on the amendment to the amendment.

Mr. Phelps called for the reading of the bill.

Upon which the ayes and noes were demanded by Messrs. Peachy, Phelps, and McDonald, and taken with the following result: Ayes, 9—noes, 19:

AYES—Messrs. Ballou, Clark, Dent, McDonald, Parker, Parks, Peachy, Phelps, and Sharp—9.

Nors-Messrs. Anderson, Brailey. Chase, Crittenien, De la Guerra, Eagen, Eigerton, Franklin, Havnes, Lausing, Logan, Merritt, Pico, Quinn, Rvan, Titus, Vance, Watkins, and Watson-19.

So the Senate refused to read the bill.

The question recurring on the aduption of the amendment to the amendment, the aves and noes were demanded by Messrs. Peachy, Sharp, and Phelps, and taken with the following result: Aves, 13noes, 15:

AYES-Messrs. Clark. De la Guerra, Dent. M. Donald, Merritt, Parker, Parks. Peachy. Phelps. Ryan. Sharp. Vacce. and Wats. n-13.

Nors-Messrs, Anderson, Brailey, Ball u. Chase, Crittenden, Eagon, Edgerton, Franklin, Haynes, Lansing, Legan, Pico, Quinn, Titus, and Watkins-15:

So the amendment offered by Mr Sharp was lost.

Mr. Phelps moved to amend the ameniment by referring to a Special Committee of five, to be composed of two of the San Francisco Delega-

Upon the adoption of which the aves and noes were demanded by Messrs. Merritt. Peachy, and Phelps, and taken, with the following result: Ayes, 15-noes, 13:

Aves - Messrs. Ballou, Clark, Chase, De la Guerra, Dent, Logan, McDonald, Merritt, Parker, Parks, Peachy, Phelis, Ryan, Sharp, and Watson-lo.

Nors-Messrs, Anderson, Brailey, Crittenden, Eagon, Edgerton, Franklin, Haynes, Lansing, Pico, Quinn. Titus, Vance, and Watkins-13.

So the amendment was adopted.

Mr. Anderson called for the previous question.

Seconded.

The question being, shall the main question now be put? the ayes and noes were demanded by Messrs. Merritt. Peachy, and Lansing, and taken with the following result: Ayes, 17-nees 11:

Aves-Messrs. Anderson, Bradley, Clark, Chase, Crittenden, Dent, Eagon, Eigerton, Franklin, Haynes, Lansing, Pico, Quinn, Sharp, Titus, Vance, and Watkins-17.

Nors-Ballou, De la Guerra, Logan, McDonald, Merritt, Parker, Parks,

Peachy, Phelps, Ryan, and Watson-11.

So the main question was sustained.

The question being on the adoption of the amendment as amended, it was adopted.

So the original motion, as amended, was then adopted.

On motion of Mr. Anderson, four hundred and eighty copies of the bill

were ordered printed.

Mr. Chase moved to suspend the Forty-Sixth Rule of the Senate and consider the Governor's Message, relative to the appointment of Alfred G. Morgan as Superintendent of Immigration at the port of San Fran-

On motion of Mr. Merritt the Senate went into Executive Session. The question being, shall the Senate advise and consent to the appointment of Alfred G. Morgan as Superintendent of Immigration at the port of San Francisco, the roll was called, with the following result: Ayes, 25—noes, none:

AYES—Messrs. Anderson, Bradley, Clark, Chase, Crittenden, De la Guerra, Dent, Eagon, Edgerton, Franklin, Haynes, Lansing, Logan, McDonald, Merritt, Parks, Peachy, Pico, Quinn, Ryan, Sharp, Titus, Vance, Watkins, and Watson—25.

Noes-None.

So the appointment was unanimously confirmed.

Mr. Watkins, by leave, introduced a bill for an act entitled An Act to give Immediate Effect to an Act therein named.

Read first and second times.

On motion of Mr. Watkins, the rules were suspended, the bill considered engrossed, read a third time, and passed.

The Forty-Fifth Rule was suspended and the bill transmitted to the

Assembly.

On motion of Mr. Dent, the rules were suspended and Senate Bill, No. 130, An Act concerning Assessments in San Joaquin County, was taken up, and substitute offered by the Committee on Claims adopted.

The bill was then ordered engrossed and read a third time.

On motion of Mr. Merritt, the Senate adjourned.
I. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Friday, March 2, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

The Chair announced the following as special committee, to take into consideration Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead in the City and County of San Francisco: Messrs. Anderson, Peachy, Edgerton, Parker, and Watkins.

Mr. Merritt asked and obtained leave of absence for Mr. Redman for

two days.

REPORTS.

Mr. Parks, of Committee on Enrollment, made the following report:

Mr. PRESIDENT:—The Committee on Enrolled Bills have examined Senate Bill, No. 131, An Act to change the name of Andrew Jackson Knecttle to Andrew Jackson Brewer;

Also, Senate Bill, No. 18, An Act to authorize Martha Buckelew and

her Assigns to build a Wharf at Agnes Island in Marin County:

23sen

Also, Senate Bill, No. 93, An Act to authorize the City and County of

San Francisco to settle certain Claims;

Also, Senate Bill, No. 160, An Act to authorize the Board of Supervisors of Shasta County to Audit and Allow the Clerk of the Court of Sessions additional pay for Services in certain cases;

Also, Senate Bill, No. 45, An Act to Audit and Allow the Claim of

Britton and Rev;

Also, Senate Bill, No. 121, An Act to provide for the Building of a

Turnpike or Graveled Road in Santa Clara County;

Also, Senate Bill, No. 168, An Act to give Immediate Effect to an Act therein named, and have found the same correctly enrolled, and have this day taken the same to the Governor.

W. H. PARKS.

Of the Committee.

Report accepted.

Mr. Vance, of Committee on Public Morals, made the following report:

Mr. President:—Your committee, to whom was referred Assembly Bill, No. 171, An Act to prevent the Stealing of Dogs, beg leave to report the same back to the Senate, and recommend its passage.

J. M. VANCE,

From said Committee on Public Morals.

Placed on file.

Mr. Ballou, Chairman of the Committee on Mileage, made the following report:

Mr. President:—The Committee on Mileage, report the following sums due the State Capital Committee as mileage, to-wit: Senators Eagon and Watkins, sixty-six dollars and eighty cents, each; Senators Haynes and Phelps, forty-six dollars and eighty cents, each—payable out of the Contingent Fund of the Senate.

BALLOU, Chairman.

On motion of Mr. Ballou, the report was adopted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, March 2, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 36, An Act supplementary to an Act entitled "An Act granting the right of way over certain Lands of this State in the Counties of San Francisco and San Mateo," approved April twenty-sixth, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 128, An Act amendatory of, and supplemental to, "An Act authorizing the Guardian or Guardians of certain Minors to sell and dispose of their Real Estate and Chattels Real," approved April

eighth, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 153, An Act to authorize the Board of Supervisors of Del Norte County to levy an additional Tax for County purposes.

JOHN G. DOWNEY,
Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, March 2, 1860.

Mr. President:—The Assembly, on the twenty-eighth ult., passed Assembly Bill, No. 61, An Act to appropriate Money to pay R. A. Thompson and Ferris Forman for Services and Expenses incurred as Commissioners from the State of California to the President of the United States, in the year one thousand eight hundred and fifty-six;

Also, passed Assembly Bill, No. 109, An Act to amend "An Act to prevent the Trespassing of Animals upon Private Property," approved

March thirty-first, one thousand eight hundred and fifty-five;

Also, concurred in Senate amendments to Assembly Bill, No. 12, An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one.

R. K. WESTON,
Ass't Clerk Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 61, An Act to appropriate Money to pay R. A. Thompson and Ferris Forman, for Services and Expenses incurred as Commissioners from the State of California to the President of the United States, in the year one thousand eight hundred and fifty-six—was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 109, An Act to amend "An Act to prevent the Trespassing of Animals upon Private Property," approved March thirty-first, one thousand eight hundred and fifty-five—was read first and second

times, and referred to the Committee on Agriculture.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, February 28, 1860.

Mr. President:—The Assembly this day passed Assembly Bill, No. 252, An Act to amend "An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou," approved February twenty-second, one thousand eight hundred and sixty, and to extend the same to the County of Sonoma.

R. K. WESTON,
Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 252, An Act to amend an Act entitled "An Act corcerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou," approved February twenty-second, one thousand eight hundred and sixty, and to extend the same to the County of Sonoma—was read first and second times and placed on file.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

March 2d, 1860.

Mr. President:—The Assembly on the twenty-eighth ult., passed Senate Bill, No. 168, An Act to give immediate effect to the Act therein named.

R. K. WESTON,

Ass't Clerk of Assembly.

Mr. Peachy presented a petition from citizens of San Francisco, relative to the Ladies' Seamen's Friend Society.

Placed on file.

INTRODUCTION OF BILLS.

Mr. Watkins, by leave, introduced a bill for an act entitled An Act for the Relief of J. C. Hayes, late Sheriff of the County of San Francisco.

Read first and second times, and referred to the Judiciary Committee.
Mr. Edgerton, by leave, introduced a bill for an act entitled An Act for
the Relief of Michael Gregory.

Read first and second times and referred to the Committee on Swamp

and Overflowed Lands.

On motion of Mr. Merritt, Senate Bill, No. 107, An Act appropriating Moneys for the benefit of the Ladies' Seamen's Friend Society of San Francisco—was taken from file and considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Edgerton, the bill was made the special order for

Tuesday, March sixth, at twelve, M.

On motion of Mr. Phelps, Senate Bill, No, 134, An Act amendatory of, and Supplementary to, an Act entitled "An Act concerning Lawful Fences"—was taken from the unfinished business, and made the special order for Tuesday, March sixth, at twelve, M.

Mr. Bradley offered a Concurrent Resolution, Relative to pay of Clerk

for the Capital Committee.

Mr. Walkins offered a Concurrent Resolution, Relative to pay of Sergeant-at-Arms for the Capital Committee.

Adopted.

SPECIAL ORDER.

Senate Bill, No. 62, An Act to prohibit Gaming-was taken up.

The question being on its passage-

Mr. Parker moved to recommit the bill to a Select Committee of three, with instructions to amend the last section by adding: "This bill shall not effect indictments now pending."

Mr. Clark moved to amend the motion made by Mr. Parker, by instructing the Special Committee to amend the first section as follows:

"Not less than one thousand nor more than five thousand dollars."
Upon which, the ayes and noes were demanded, by Messrs. Merritt,
Bradley, and Let, and taken with the following result: Ayes, 4—noes, 24:

AYES-Messrs. Clark, Franklin, O'Farrell, and Parks-4.

Noes-Messrs. Anderson, Bradley, Ballou, Chase, Crittenden, De la Guerra, Eagon, Edgerton, Haynes, Lansing, Leet, Logan, McDonald, Merritt, Parker, Peachy, Phelps, Quinn, Ryan, Sharp, Titus, Vance, Watkins, and Watson—24.

So the amendment was lost.

The question being on the original motion, it was adopted, and Messrs. Parker, Merritt, and Clark, were appointed as such committee.

FURTHER SPECIAL ORDERS.

Senate Bill, No. 22, An Act to define the Boundaries of Sutter County— On motion of Mr. Parks, re-referred to the Committee on Counties and County Boundaries.

Senate Bill, No. 56, An Act to Regulate the Transmission of News for the use of the Public Press over any line of Telegraph in this State—was

considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Lansing, the whole subject matter was laid on the table.

On motion of Mr. Bradley, Senate Bill, No. 108, An Act amendatory of, and supplementary to, "An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State," approved April twenty-third, one thousand eight hundred and fifty-six—was taken up, and made the special order for Wednesday, March seventh, at twelve, M.

Mr. Parker, of Special Committee, made the following report:

Mr. President:—The undersigned, to whom was referred substitute for Assembly Bill, No. 62, with special instructions, report the same back, with the amendment, as directed by the Senate. Add to section seven the following proviso:

"That nothing in this act shall be so construed as to affect any crimi-

nal proceedings now pending in any of the courts of this State."

PARKER,

Chairman Special Committee.

Adopted.

On motion of Mr. Merritt, the bill just reported was considered now, and amendment adopted.

Mr. Parker moved a call of the Senate.

Lost.

On the passage of the bill as amended, the ayes and noes were demanded by Messrs. Merritt, Parker, and Lansing, and taken with the following result: Ayes, 16—noes, 9:

AYES-Messrs. Anderson, Bradley, Chase, De la Guerra, Dent, Eagon, Edgerton, Haynes, Lansing, Leet, Logan, Merritt, Peachy, Sharp, Vance, and Watson-16.

Noes-Messrs. Clark, Franklin, McDonald, O'Farrell, Parker, Parks, Phelps, Titus, and Watkins-9.

So the bill as amended passed.

Mr. Parker moved to amend the title, by striking out the word "prohibit," and insert the word "encourage."

Lost.

Mr. Vance of Committee on Enrollment, made a report relative to the appointment of an Assistant Enrolling Clerk.

Placed on file.

Mr. Lansing, presented certain accounts, which were referred to the Committee on Contingent Expenses.

The following bill was reported by the Committee on Claims, recom-

mending its passage, An Act appropriating Money for the Payment of certain Claims.

Read first and second times, and placed on file.

Mr. Watson, by leave, introduced a bill for an act entitled An Act authorizing the Board of Supervisors of the County of Santa Cruz, to levy a Tax for Building Purposes.

Read first and second times, and on motion of Mr. Watson, the rules

were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Watson, the bill was made the Special Order for Friday, March sixteenth, one thousand eight hundred and sixty, at twelve, M

GENERAL FILE.

Senate Bill, No. 158, An Act for the Adjustment and Final Settlement of the Indebtedness of Del Norte County, to Klamath County-was read a third time and passed;

Also, Senate Bill, No. 63, An Act to provide for the Payment of D. O. Mills & Co., substitute reported by Committee on Claims—adopted.

On motion of Mr. Kirkpatrick, the vote by which the substitute was just adopted, was reconsidered, and the whole subject matter was made the Special Order for Wednesday, March seventh, at twelve, M.

Senate Bill, No. 39, An Act authorizing the Board of Supervisors of El Dorado County, to levy a Bridge Toll at Brockliss', on the Sacramenta and El Dorado Wagon Road, over the Sierra Nevada-was considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

Mr. McDonald, moved to indefinitely postpone the bill.

The bill ordered engrossed and read a third time.

Also, Senate bill, No. 215, An Act to Fund the Debt of the County of Sonoma, and provide for the Payment of the same—was considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

On motion of Mr. Vance, the rules were suspended, and the report of the Enrolling Committee, relative to an Assistant Enrolling Clerk, was taken up and adopted.

Mr. Bradley, offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that this Legislature adjourn sine die, on Tuesday, the third day of April next, at twelve o'clock, M.

Adopted.

On motion of Mr. Lansing, the Senate adjourned. I. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Saturday, March 3, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journal of yesterday read and approved.

REPORTS.

Mr. Edgerton, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

Mr. President:—Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill, No. 140, An Act for the Reclamation and Disposal of the Swamp and Overflowed Lands, have carefully considered the same, and report the bill back, and recommend its passage.

The main feature of the bill is the measure of placing the supervision and disposal of these lands in the hands of the authorities of the counties in which they are located; a movement which it is believed, will, by giving this duty to those who are, and who will keep more thoroughly informed in regard to the character and situation of that portion situated in their locality, more readily and successfully lead to their prompt reclamation and sale, than the present uncertain and almost impracticable policy pursued.

If this is continued, a very long period must clapse before any considerable portion of this rich property can be made available as producing land, and, consequently, valuable for purposes of revenue. Delay in carrying out the object for which the lands were clearly donated to California—their reclamation—is not only ruinous to the interests of the State, but is injustice to the government which presented them, with the expectation that the work of drainage should, as soon as practicable, be proceeded with.

It is believed that the revenue accruing from the taxes upon these lands and their products, alone, were they this day in a condition to be occupied, would nearly, if not quite, pay the expenses of the State Government. This may seem an extravagant assertion, but the facts, we think, will justify it.

One of the most important objects sought in the bill, is to avoid further delay in the improvement and reclamation of these lands. The plan suggested by the bill, we think, will fully accomplish this object.

The provisions of the bill are simple and practicable. As it is necessarily of some length, we deem it inexpedient to call attention to the individual sections, but leave it to the discretion of the Senate, should any changes be desirable in them.

H. EDGERTON,
Chairman.
GEO. W. DENT,
W. H. PARKS.

Placed on file.

Mr. Edgerton, Chairman of the Committee on Swamp and Overflowed

Lands, made the following report:

Mr. President:—The Committee on Swamp and Overflowed Lands to whom was referred Senate Bill, No. 10, An Act to amend an Act entitled "An Act to provide for the sale and reclamation of the Swamp and Overflowed Lands of this State," approved April twenty-first, one thousand eight hundred and fifty-eight, have had the same under consideration, and report it back without amendment, and recommend its passage.

They have, also, examined Senate Bill, No. 169, An Act for the Relief of Michael Gregory, and report the same back, with the recommendation

that it do pass.

H. EDGERTON, Chairman.

Placed on file.

Mr. Dent, Chairman of Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined substitute for Senate Bill, No. 130, An Act concerning Assessments in San Joaquin County, and find the same correctly engrossed.

DENT, Chairman.

Report accepted.

Mr. Vance, of Committee on Public Morals, made the following report :

Mr. PRESIDENT:—The Committee on Public Morals, to whom was referred Senate Bill, No. 100, An Act to provide for the better observance of the Sabbath, report the same back to the Senate, with a substitute, and recommend the passage of the substitute.

J. M. VANCE, From Committee on Public Morals.

Placed on file.

Mr. O'Farrell, of the Sonoma Delegation, made the following report:

Mr. President:—The delegation, to whom was referred Senate Bill, No. 109, An Act to declare Navigable the Arroyo de San Antonio, or Keyes Creek, Marin County, report the same back and recommend its passage.

O'FARRELL,

Of the Delegation.

Placed on file.

On motion of Mr. Sharp, the rules were suspended, and the bill just reported, was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Sharp, the rules were further suspended, the bill considered engrossed, read a third time and passed.

REPORT.

Mr. O'Farrell of the Sonoma Delegation, made the following report:

Mr. President:—The delegation to whom was referred Senate Bill, No. 122, An Act authorizing certain Parties to construct a Wharf on Petaluma Creek, in Sonoma County, report the same back and recommend its passage.

O'FARRELL,

Of the Delegation.

Placed on file.

A communication was received from the State Board of Examiners, relative to certain Claims.

Referred to the Committee on Claims.

INTRODUCTION OF BILLS.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act to fix the Compensation of the District Attorney of San Mateo County.

Read first and second times, and referred to the San Francisco and San

Mateo delegations.

Mr. O'Farrell, by leave, introduced a bill for an act entitled An Act to Provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Mendocino County.

Read first and second times, and referred to the Committee on Public

Lands.

Mr. Haynes asked and obtained leave of absence for Mr. Watkins, for

two days.

Mr. Chase gave notice that he would, during the ensuing week, introduce a bill to acquire for and annex to the State of California, with the consent of Congress, all that portion of Utah Territory, between the castern boundary of this State, and the one hundred and eighteenth degree of longitude west from Greenwich, containing, about twenty-five thousand square miles.

Mr. Edgerton, offered the following resolution:

Whereas, It is alleged that Order No. 172, amendatory of Order No. 46, and repealing Orders, Nos. 65 and 72, in relation to the San Francisco City Water Works, was procured to be passed by the Board of Supervisors of the City and County of San Francisco, by corrupt means, the bill for the confirmation of which is now pending, before the Judiciary Committee for consideration; therefore,

Resolved, That the Judiciary Committee be, and they are hereby, authorized to send for persons and papers, for the purpose of inquiring into said allegation.

On motion of Mr. Merritt, the resolution was made the Special Order

for this day, at half-past twelve o'clock.

Mr. Merritt, by leave, introduced a bill for an act entitled An Act declaratory of, and describing, the eastern line of this State, and Organizing the County of Washoe.

Read first and second times, and referred to the Committee on Federal

Relations.

Mr. Phelps, offered the following resolution:

Resolved, That the Engrossing Clerk of the Senate be, and is hereby, authorized to appoint an Assistant, who shall be allowed the same pay that said Clerk is allowed, to date from the passage of this resolution, and to be paid out of the Contingent Fund of the Senate.

Adopted.

GENERAL FILE.

Senate Bill, No. 130, An Act Concerning Assessments in San Joaquin County—was read a third time and passed;

Also, Assembly Bill, No. 120, An Act in relation to Mining Copartner-ships—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Kirkpatrick, the bill was recommitted to the Judiciary Committee,

On motion of Mr. Phelps, the vote was reconsidered, whereby a resolution passed authorizing the Engrossing Clerk to employ an Assistant.

Amended by striking out "the same Pay that said Clerk is allowed," and inserting "eight dollars per day."

The resolution as amended, was then adopted.

On motion of Mr. Ballou, the vote was reconsidered, whereby a resolution passed, authorizing the Enrolling Clerk to employ an Assistant.

Amended by adding "Payable out of the Contingent Fund of the Senate, from the twenty-fifth day of February, one thousand eight hundred

and sixty."

On motion of Mr. Lansing, the usual number of copies of Assembly Bill, No. 120, An Act in relation to Mining Copartnerships, was ordered printed.

Mr. De la Guerra, Chairman of the Finance Committee, made the fol-

lowing report:

Mr. President:—The Finance Committee, to whom was referred the Governor's Message, relative to authorizing the State Treasurer to cancel certain evidence of indebtedness, have had the same under consideration and report it back to the Senate with the accompanying bill, and recommend the passage of the bill.

PABLO DE LA GUERRA,

Chairman.

Placed on file.

GENERAL FILE, RESUMED.

Senate Bill, No. 172, An Act for the Payment of certain Claims—was considered in Committee of the Whole.

IN SENATE.

Bill ordered engrossed and read a third time.

Assembly Bill, No. 171, An Act to Prevent the Stealing of Dogs—was considered in Committee of the Whole.

IN SENATE.

Bill read a third time.

The question being on its passage, the ayes and noes were demanded by Messrs. Lansing, Bradley, and O'Farrell, and taken, with the following result: Ayes, 18—noes, 7:

AYES-Messrs. Anderson, Clark, Chase, Dent, Edgerton, Haynes, Lansing, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Ryan, Sharp, and Titus-18.

Noes-Messrs. Bradley, Ballou, De la Guerra, Franklin, Pico, Quinn,

and Watson-7.

So the bill passed.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. President:—Your Committee on Contingent Expenses, to whom was referred certain accounts herein set forth, have examined the same, and recommend the payment thereof out of the Contingent Fund of the Senate.

Purpose.	Amount.
George I. Lytle, for Newspapers	\$37 00

C. J. LANSING, Chairman.

On motion of Mr. Lansing, the rules were suspended and the report just read adopted.

SPECIAL ORDER.

Senate Bill, No. 89, An Act to create the Office of State Geologist, and Define the Duties thereof—was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Anderson, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Mr. Lansing presented certain accounts.

Referred to the Committee on Contingent Expenses.

FURTHER SPECIAL ORDER.

Resolution Relative to the Benchly Water Company, introduced by Mr. Edgerton this morning, March third, one thousand eight hundred and sixty.

Resolution adopted.

Mr. Lansing, Chairman of Committee on Contingent Expenses, made the following report:

Mr. President:—Your Committee on Contingent Expenses, to whom was referred a certain account, herein set forth, have examined the same and recommend the payment thereof out of the Contingent Fund of the Senate.

Purpose.	Amount.
William Dougherty, for Newspapers	\$98 90

C. J. LANSING, Chairman.

On motion of Mr. Lansing, the rules were suspended and the report just read was taken up and adopted.

Mr. Bradley, by leave, introduced a bill for an act entitled An Act for the Relief of Benjamin F. Marshall, late Sheriff of Calaveras County.

Read first and second times and referred to the Committee on Claims. Mr. Merritt presented the following report from the Joint Special Committee upon the returns of the vote upon the act to provide for the calling a Constitutional Convention:

Mr. President:—The Special Joint Committee, appointed to examine the evidences and report conclusions with relation to the vote taken at the last general election for and against the calling of a convention to revise and change the Constitution of the State, have had the matters and things connected therewith under advisement, and herewith submit their report.

The returns in the office of Secretary of State show forty-five thousand eight hundred and twenty-three votes in favor of calling the convention. The committee are convinced that this is not a true exhibit of the vote cast, owing to a misapprehension of the act of one thousand eight hundred and fifty-nine on the part of the officers composing the Election

Boards in many parts of the State.

We believe that at least fifty thousand votes were cast by the people in favor of a convention; but because the word "Yes" was not attached after the words "For a Convention" upon the ballots, many of said precinct officers refused to count them, or vote in favor of a convention.

We have received evidence that in the county of Yuba, one thousand votes "For a ('onvention' were lost on account of this error on the part of the said officers; that one thousand eight hundred votes have been so lost in Sierra. Many votes were lost in Butte, and other counties in the

same way.

We find it impossible to report the number of electors who voted at said election for members of the Legislature. In many counties there were three tickets in the field, and in other counties there were four tickets. These candidates were of various degrees of popularity. Besides, the electors may not have voted for a full set of Representatives from any one county or district, and it is not probable that facts of this kind can be definitely ascertained.

The most the committee are able to do is to report what approximates to the aggregate average vote for members of the Legislature. This, according to the votes reported to the Secretary of State—computed by the rule which gives the largest possible vote—was ninety-nine thousand and seventy. This, it must be apparent, is at best but an approach to the

truth.

For instance, we find the aggregate vote of San Francisco and San Mateo so mixed upon the Senatorial vote as to give an average vote one hundred and ninety too large; and this is probably the case in some other parts of the State.

We therefore conclude, upon a full view of the facts, that the people have, by the vote so cast, called the convention, and that it is the duty of

this Legislature to provide by law for holding the same.

C. H. KUNGLE,
Ch'n Assembly Committee,
DANIEL RODGERS,
SAMUEL A. MERRITT,
Ch'n Senate Committee,
JAMES ANDERSON.

Placed on file.

Mr. Lansing gave notice that he would, at an early day, make a minority report.

On motion of Mr. Titus, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Monday, March 5, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of Saturday read and approved.

Mr. Parker asked and obtained leave of absence for Messrs. Sharp and Phelps, for one day each.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the

following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 77, An Act to establish Pilots and Pilot Regulations for Humboldt Bay and Bar;
Also, Senate Bill, No. 165, An Act authorizing and empowering Hiram

Also, Senate Bill, No. 165, An Act authorizing and empowering Hiram Eackert of Butte County, Guardian of Frank Spencer Eckert, to convey by good and sufficient Deed or Deeds, certain Lands in said County;

Also, Senate Bill, No. 110, An Act to provide for the Annual Appoint-

ment of a Joint Standing Committee on Claims;

Also, Senate Bill, No. 162, An Act to authorize the Executors of the Estate of Peter Tracey, deceased, to sell the Real Estate at Public or Private Sale;

Also, Senate Bill, No. 172, An Act for the Payment of certain Claims; Also, Senate Bill, No. 103, An Act for the erection of a Building for a State Reform School, and for the regulation of the same—

And find the same correctly engrossed.

DENT, Chairman.

Report accepted.

Mr. Vance, of committee composed of the delegations from Butte and Trinity, made the following report:

REPORTS.

Mr. President:—Your committee to whom was referred Assembly Bill, No. 129, An Act to amend an Act amendatory of "An Act concerning Roads and Highways," passed April nineteenth, one thousand eight hundred and fifty-six, and to make applicable so far as the Counties of Butte and Trinity are concerned, report the same back, with the following amendment:

In section two, instead of "four dollars per day," insert "five dollars per day;" also, add to section three: "This Act shall be in force from

and after its passage."

J. M. VANCE.

Chairman of said Committee.

Placed on file.

Mr. Titus, Chairman of Special Committee, appointed to examine and recommend what disposition shall be made of the old bonds, coupons, and other evidences of indebtedness, remaining in the office of the Treasurer of State, paid by the former State Treasurers, made the following report:

Mr. PRESIDENT:—The Special Committee appointed to examine and recommend what disposition shall be made of the old bonds, coupons, and other evidences of indebtedness, remaining in the office of Treasurer of State, paid by the former State Treasurers, having examined the same,

respectfully submit the following report:

We find that but few of the old bonds, coupons, certificates, and other evidences of indebtedness, paid by the State Treasurers, prior to the present incumbent, have ever been properly registered—in fine, have never been entered into any of the books pertaining to the Treasurer's office, and but few of the immense number that have accumulated present any evidence of their having been paid and properly canceled. Believing it to be detrimental to the financial interests of the State to allow them to remain in said condition, as they would certainly have to be repaid if accidently put in circulation, and to provide for the proper registration and canceling of the aforesaid vouchers.

The committee report back the accompanying bill, and recommend its

passage.

J. S. TITUS,

Chairman.
B. T. BRADLEY,
ROBERT CLARK.

Placed on file.

On motion of Mr. Titus, the bill just reported by the committee, entitled An Act to provide for the proper Registration and Canceling of the Evidences of Indebtedness, paid prior to the term of the present Incumbent, was read first and second times and placed on file.

Mr. Parks, Chairman of Committee on Public Morals, made the follow-

ing report:

Mr. President:—Your Committee on Public Morals have had under consideration Senate Bill, No. 120, An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to provide for the Support of the Government of this State,'" approved May fifteenth, one thousand eight hundred and fifty-four, approved April twenty-seventh, one thousand eight hundred and fifty-five, and recommend its passage without amendment;

Also, Assembly Bill, No. 57, An Act to prohibit the Sale and Disposal of Audulterated, Spiritous, or Alcoholic Liquors, Wines, or Cider,

and recommend its passage without amendment.

W. H. PARKS, Chairman.

Placed on file.

INTRODUCTION OF BILLS.

Mr. Franklin, by leave, introduced a bill for an act entitled An Act to audit the Claim of William D. Kirk.

Read first and second times, and referred to the Committee on Claims. Mr. Wheeler, by leave, introduced a bill for an act entitled An Act concerning the Government of the City of Marysville.

Read first and second times.

On motion of Mr. Wheeler, the rules were suspended, the bill considered

engrossed, read a third time and passed.

Mr. Chase, pursuant to notice, introduced a bill for an act entitled An Act to provide for the Annexation of Territory to the State of California, with the consent of Congress, and to provide for the Government of the same.

Read first and second times.

Mr. Chase moved to refer to a Special Committee of three.

Mr. Merritt, moved to refer to the Committee on Federal Relations.

Upon which the ayes and noes were demanded by Messrs. Merritt, Kirkpatrick, and Parker, and taken with the following result: Ayes, 10noes, 12:

Aves-Messrs. Bradley, Denver, Eagon, Merritt, Parker, Peachy, Pico,

Redman, Titus, and Wheeler-10.

Noes-Messis. Anderson, Ballou, Chase, Dent, Franklin, Kirkpatrick, Leet, Logan, Parks, Quinn, Vance, and Watson—12.

So the motion was lost.

The question recurring on referring to special committee of three, the ayes and noes were demanded, by Messrs. Merritt, Logan, and Parker, and taken with the following result: Ayes, 19-noes, 5:

Ayes-Messrs. Anderson, Bradley, Ballou, Chase, Dent, Denver, Eagon, Franklin, Kirkpatrick, Leet, Logan, Parks, Peachy, Pico, Quinn, Redman, Vance, Watson, and Wheeler-19.

Noes-Messrs. De la Guerra, McDonald, Merritt, Parker, and Titus-5.

So the motion prevailed.

The Chair appointed as such Committee, Messrs. Chase, Merritt, and

On motion of Mr. De la Guerra, one additional Senator was added to the Committee on Translation, (two of the committee being absent).

The Chair appointed Mr. Pico on said Committee.

On motion of Mr. Merritt, the vote by which Senate Bill, No. 173, An Act declaratory of, and describing, the Eastern Line of this State and Organizing the County of Washoe, was referred to the Committee on Federal Relations, was reconsidered.

On motion of Mr. Merritt, the bill above referred to, was referred to

the select committee, Messrs. Chase, Merritt, and Ballou.

Mr. Logan asked and obtained leave of absence for Mr. Haynes for one day.

Mr. Chase asked and obtained leave of absence for Mr. Lansing for

one day.

Mr. Watson asked and obtained leave of absence for Mr. Edgerton for one day.

Mr. Bradley asked and obtained leave of absence for Mr. Crittenden for one day.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, March 5, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have approved the following bills:

Senate Bill, No. 93, An Act to authorize the City and County of San

Francisco to settle certain Claims;

Also, Senate Bill, No. 45, An Act to Audit and Allow the claim of Britton & Rey;

Also, Senate Bill, No. 18, An Act to authorize Martha Buckelew and

her Assigns to build a Wharf at Agnes Island in Marin County;
Also, Senate Bill, No. 131, An Act to change the name of Andrew

Jackson Knecttle to Andrew Jackson Brewer;

Also, Senate Bill, No. 168, An Act to give Immediate Effect to an Act

therein named;

Also, Senate Bill, No. 121, An Act to provide for the Building of a Turnpike or Graveled Road in Santa Clara County.

JOHN G. DOWNEY,

Governor.

Mr. Parker, moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded, by Messrs. Merritt,
Parks, and Vance, and taken with the following result: Ayes, 12—noes,

AYES-Messrs. Anderson, Bradley, Ballou, Dent, Franklin, Kirkpatrick, Logan, Parker, Peachy, Quinn, Redman, and Titus-12.

Noes-Messrs. Chase, Denver, Merritt, Parks, Vance, Watson, and

Wheeler-7.

So the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

Senate Chamber, Tuesday, March 6th, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Parks, asked and obtained leave of absence for Mr. Wheeler, for one day.

Mr. Chase, asked and obtained leave of absence for Mr. Lansing, for one day.

REPORT.

Mr. Titus, from Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills, have examined Senate Bill, No. 39, An Act to authorize, the Board of Supervisors of El Dorado County, to Levy a Bridge Toll, at Brockliss' on the Sacramento and El Dorado Wagon Road, over the Sierra Nevada;

Also, Senate Bill, No. 109, An Act to declare Navigable the Arroyo de

San Antonio, or Keys Creek, Marin County;

Also, Senate Bill, No. 89, An Act to create the Office of State Geologist, and define the Duties thereof, and find the same correctly engrossed.

J. S. TITUS, For the Committee.

Report accepted.

Mr. Dent, by leave, introduced a bill for an act entitled An Act making apppropriations for Deficiencies in Appropriations made for the Tenth Fiscal Year, ending June thirtieth, one thousand eight hundred and fiftynine, and for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty.

Read first and second times and referred to the Committee on Finance.

Mr. Edgerton, by leave, introduced a bill for an act entitled An Act to
Facilitate the Establishment of Telegraph Communication between Cali-

fornia and the Atlantic States.

Read first and second times.

On motion of Mr. Edgerton, referred to a Special Committee of three. The Chair appointed as such committee, Messrs. Edgerton, Sharp, and Franklin.

Mr. Parker asked, and obtained leave of the Senate, for the State Prison

Committee to sit during the session of the Senate, to-day.

Mr. Parker, by leave, introduced a bill for An Act relating to the Time of commencing Suits upon Judgments, and issuing of Execution thereon.

Read first and second times and referred to the Judiciary Committee.

Mr. Parker, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to authorize Charles J. Collins, his Associates and Assigns, to build a Wharf at or near Point Colberg, in Solano County," passed April twenty-first, one thousand eight hundred and fifty-seven.

Read first and second times and referred to the Senator from Solano

ounty.

Mr. Peachy rose to the following question of privilege:

Mr. President:—I rise to a question of privilege. It is almost useless for a member of the Legislature to attempt to notice all the articles which may appear against him in the public prints; and in relation to a certain measure known as the Bulkhead Bill, I have encountered so much opposition, and have been the victim of so much slander, that I am almost disposed to let every act of this kind upon me pass by unheeded. I find, however, in the Telegram of this morning, that that paper has had the audacity to assert two positive falsehoods in regard to myself. It has stated, in the first place, that I am interested in the Bensley Water Works. This is an utter, absolute falsehood. It is a willful and deliberate libel which the editor of that paper, and those men in whose interest he is, have thus set forth against myself. He has also made out and set forth to the public that I opposed the investigation of the charge of fraud against that company. The Senate very well knows that my opposition to that resolution was grounded upon the fact that the charge had not

the slightest foundation—had come from men interested in a company adverse to this one, and that when the charge had the least blush of responsibility upon it, I advocated the passage of the resolation demanding an inquiry into the manner in which the bill was passed in the Common Council of San Francisco. I simply call the attention of Senators to these two falsehoods, and wish to put the seal of reprobation upon this libelous manner in which the reputation of Senators is attempted to be attacked. I have not the least hesitation in saying that the libel proceeds from an interestI am opposed to in the Senate, and I request Senators to notice the means by which they are attempting to pass their infamous swindle.

Mr. O'Farrell, Chairman of the Committee on Public Lands, made the following report:

Mr. President:—Your committee, to whom was referred Senate Bill, No. 76, An Act to provide for the Issuance of Patents to Lands located with State School Land Warrants, and for Lands purchased under the Act of April twenty-fifth, one thousand eight hundred and fifty-eight, have had the same under consideration, and recommend its indefinite postponement;

Also, Senate Bill, No. 69, An Act to amend "An Act to provide for the Issuance of Patents to Lands located with State School Land Warrants, and for Lands Purchased under the Act of April twenty-fifth, one thousand eight hundred and fifty-eight," and recommend its passage with the

following amendments:

Amend section three-after the word "offer," and insert "after the

word surrender has been written across the face."

Amend same section, (section three,) by adding, "and the Register of the United States Land Office shall be entitled to receive the sum of three dollars, for the canceling of said Warrant."

> O'FARRELL, Chairman.

Placed on file.

Mr. Parker, by leave, presented a petition from Henry P. Hoyt, praying for relief, accompanying which, he introduced a bill for an act entitled An Act for the Relief of Henry P. Hoyt and his Assignee.

On motion of Mr. Parker, the reading of the petition was dispensed

with

Read first and second times and referred to the San Francisco Delegation.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, March 5, 1860.

Mr. President:—The Assembly, on the twenty-seventh of February, one thousand eight hundred and sixty, passed Assembly Bill, No. 178, An Act to compensate William Greenhood for Translating certain Laws and Resolutions of the Tenth Session of the Legislature into the Spanish Language;

Also, on the second of March, passed Senate Bill, No. 49, An Act to fix the Compensation of the District Attorney of Napa County, with an

amendment;

Also, Assembly Bill, No. 82, An Act to create the County of Alturas, define the Boundaries, and provide for the Organization thereof;

Also, adopted Assembly Concurrent Resolution, No. 18, Relative to the

Segregation of the southern portion of the State;

Also, on the third of March, passed substitute for Assembly Bill, No. 31, An Act to amend an Act entitled "An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands in this State," approved April twenty-first, one thousand eight hundred and fifty-eight.

R. K. WESTON,

Assistant Clerk Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 178, An Act to compensate William Greenhood for Translating certain Laws and Resolutions of the Tenth Session of the Legislature into the Spanish Language—was read first and second times and referred to the Committee on Claims.

Assembly Bill, No. 82, An Act to Create the County of Alturas, define the Boundaries, and provide for the Organization thereof—was read first and second times and referred to the Committee on Counties and County

Boundaries:

Assembly Concurrent Resolution, No. 18, Relative to the Segregation of the southern portion of this State—was referred to the Committee on

Federal Relations.

Assembly Bill, No. 31, An Act to amend an Act entitled "An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands in this State," approved April twenty-first, one thousand eight hundred and fifty-eight—was read first and second times and referred to Committee on Swamp and Overflowed Lands.

Senate Bill, No. 49, An Act to Fix the Compensation of the District Attorney of Napa County—was reported back from the Assembly with

an amendment.

The question being, shall the Senate concur in the Assembly amendment? the Senate refused to concur.

FURTHER MESSAGE FROM THE ASSEMBLY.

Assembly Chamber, February 6th, 1860.

Mr. PRESIDENT:—The Assembly on yesterday, passed Assembly Bill, No. 143, An Act to provide for the Conveyance of Mining Claims;

Also, Assembly Bill, No. 163, An Act to confer Further Powers upon the Board of Education and the Auditor and Treasurer of the City and County of San Francisco, also, amendatory of an Act, approved April twenty-third one thousand eight hundred and fifty-eight, entitled "An Act to confer purther Powers upon the Board of Supervisors and Auditor and County Treasurer of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned;

Also, Senate Bill, No. 77, An Act to establish Pilots and Pilot Regula-

tions for Humboldt Bay and Bar;

Also, Senate Bill, No. 162, An Act to authorize the Executors of the Estate of Peter Tracy, deceased, to sell the Real Estate at Public Sale;

Also, Senate Bill, No. 166, An Act amending an Act entitled "An Act to establish the Industrial School Department of the City and County of

San Francisco," approved April fifteenth, one thousand eight hundred

and fifty-eight;

Also, on the twenty-seventh of February, passed Assembly Bill, No. 190, An Act to amend an Act entitled "An Act to define the Boundaries and provide for the Organization of Mendocino County;

Also, Assembly Bill, No. 191, An Act to Change the Name of Charles

Pearce to Charles Greenwich Howard;

Also, Assembly Bill, No. 249, An Act to legalize an Order of the Board of Supervisors of the County of Santa Cruz, and all Proceedings had thereunder and dependent thereon,

Also, Assembly Bill, No. 250, An Act concerning the Office of the

Assessor of Klamath County.

R. K. WESTON,

As't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 143, An Act to provide for the Conveyance of Mining Claims—was read first and second times and referred to the Judiciary Committee.

Assembly Bill, No. 163, An Act to confer further Powers upon the Board of Education and the Auditor and Treasurer of the City and County of San Francisco; also, amendatory of an Act, approved April twentythird, one thousand eight hundred and fifty-eight, entitled "An Act to confer Further Powers upon the Board of Supervisors and Auditor and County Treasurer of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned—was read first and second times and referred to the San Francisco Delegation.

Assembly Bill, No. 190, An Act to amend an Act entitled "An Act to define the Boundaries and provide for the Organization of Mendocino County—was read first and second times and referred to Senator O'Far-

rell

Assembly Bill, No. 191, An Act to change the name of Charles Pearce to Charles Greenwich Howard—was read first and second times, and—On motion of Mr. Sharp, the rules were suspended, the bill read a third

time, and passed.

Assembly Bill, No. 249, An Act to legalize an Order of the Board of Supervisors of the County of Santa Cruz and all Proceedings had thereunder and dependent thereon—was read first and second times, and—

On motion of Mr. Watson, the rules were suspended, the bill read a

third time, and passed.

Assembly Bill, No. 250, An Act concerning the Office of County Assessor of Klamath County—was read first and second times, and referred to Senator Haynes.

REPORT.

Mr. Sharp, Chairman of the Committee on Public Expenditures, made the following report:

Mr. PRESIDENT:—Your Committee on Public Expenditures have examined the copying done for the Senate, up to date, and find as follows:

Purpose.	Folios.	Per Folio.	Amount.
JournalFor Printer	622	15 cts. 10	\$93 30 62 20
Appendix	743	10	111 45 74 30
Totals	2,810		\$ 341 25

Examined, audited, and allowed, March sixth, one thousand eight hundred and sixty.

SOL. A. SHARP, Chairman.

On motion of Mr. Sharp, the rules were suspended, and the report just read was taken up, and adopted.

RESOLUTION.

Mr. Parks, offered the following resolution:

Resolved, That a committee of three be appointed to confer with a Special Committee appointed by the House, Relative to a Reorganization of the Clerical Department of the Legislature.

Adopted.

The Chair appointed as such committee, Messrs. Parks, Titus, and Redman.

GENERAL FILE.

Senate Bill, No. 39, An Act authorizing the Board of Supervisors of El Dorado County to levy a Bridge Toll at Brockliss' on the Sacramento and El Dorado Wagon Road over the Sierra Nevada—was read a third time and passed.

Senate Bill, No. 172, An Act to Audit and Allow certain Claims-was

read a third time and passed.

Senate Bill, No. 103, An Act for the erection of a Building for a State Reform School and for the regulation of the same—was taken up.

On motion of Mr. Parks, the bill was made the special order for Friday,

March ninth, at twelve, M.

Senate Bill, No. 110, An Act to provide for the Annual appointment of a Joint Standing Committee on Claims.

The question being "shall the bill pass?" the Senate refused to pass

the same.

Mr. Watson, offered the following resolution:

Resolved, That a committee of three be appointed to examine the enrolled bills of the Senate, report as to the character of said enrollment, and who performed the same.

Mr. Merritt, moved to indefinitely postpone the resolution. Upon which the ayes and noes were demanded by Messrs. Watson, Merritt, and Phelps, and taken with the following result: Ayes, 18-noes, 6.

AYES—Messrs. Anderson, Bradley, Clark, Chase, Crittenden, Denver, Eagon, Franklin, Haynes, Logan, Merritt, O'Farrell, Parker, Parks, Phelps, Quinn, Redman, and Titus—18.

Noes-Messrs. Edgerton, Peachy, Pico, Sharp, Watkins, and Watson-

6.

So the motion prevailed.

SPECIAL ORDER.

Senate Bill, No. 107, An Act appropriating Moncys for the benefit of the Ladies' Seamen's Friend Society of San Francisco—was considered in Committee of the Whole.

IN SENATE.

Bill ordered engrossed, and read a third time.

FURTHER SPECIAL ORDER.

Senate Bill, No. 134, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning Lawful Fences,"—was considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, and the bill ordered engrossed, and read a third time.

On motion of Mr. Edgerton, the rules were suspended, and Senate Bill, No. 169, An Act for the Relief of Michael Gregory—was taken from the file, and considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Edgerton, the rules were further suspended, the bill considered engressed, read a third time, and passed.

GENERAL FILE RESUMED.

Senate Bill, No. 165, An Act authorizing and empowering Hiram Eckert of Butte County, Guardian of Frank Spencer Eckert, to convey by good and sufficient deed or deeds certain Lands in said County—was read a third time and passed.

On motion of Mr. Watkins, the Senate adjourned.

I. N. QUINN,
President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Wednesday, March 7th, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journal of yesterday read and approved.

PETITIONS.

Mr. Kirkpatrick presented a memorial from citizens of the northern portion of Sierra County, relative to the formation of the County of Alturas.

Referred to the Committee on County and County Boundaries.

Mr. Vance presented a petition from citizens of Butte County, praying for the repeal of the present Attachment Law.

Referred to the Judiciary Committee.

REPORTS.

Mr. Anderson, Chairman of the Committee on Corporations, made the following report:

Mr. President:—The Committee on Corporations have had under consideration Assembly Bill, No. 15. An Act granting the privilege to run a Steam Ferry Boat between Vallejo and Mare Island, to Edward Lougon and Thomas Thornton, their Successors and Assigns, and herewith return the same, with an amendment, and recommend that the bill pass when so amended.

Amend section five by adding the following proviso thereto:

Provided, however, that if the said Edward Lougon and Thomas Thornton, their Successors and Assigns, shall fail to provide the said Steam Ferry Boat and place the same in said waters in good running condition, and establish the necessary landings for the accommodation of the public on or before the first day of January, A. D., one thousand eight hundred and sixty-one, then the rights and privileges herein granted shall revert to the public, and this act become in effect repealed.

ANDERSON,

Chairman.

Placed on file.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred substitute for Assembly Bill, No. 24, entitled An Act to Regulate the Foes of Witnesses in Criminal Cases, have had the same under consideration, and report the bill back, and recommend that the same be indefinitely postponed;

Also, have had under advisement Assembly Bill, No. 167, entitled An Act to amend an Act entitled "An Act to amend an Act entitled "An Act to Regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one, approved April seventh, one thousand

eight hundred and fifty-seven, and report the bill back, and recommend

its passage;

Also, have had under consideration Assembly Bill, No. 193, entitled An Act to amend an Act entitled "An Act amendatatory of, and supplementary to, an Act entitled 'An Act to Regulate Proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, passed April twenty-second, one thousand eight hundred and fifty-eight, and report the bill back, and recommend its passage;

Also, have had under advisement Senate Bill, No. 159, entitled An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty, and report

the bill back, and recommend its passage;

Also, have had under consideration Senate Bill, No. 97, entitled An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act concerning Fraudulent Conveyances and Contracts," passed nineteenth April, one thousand eight hundred and fifty, approved April ninth, one thousand eight hundred and fifty-six, and report the bill back, and recommend that the same be indefinitely postponed;

Also, have had under advisement Senate Bill, No. 85, entitled An Act to amend "An Act to prohibit Gaming," and report the bill back, and re-

commend that the same be indefinitely postponed;

Also, have had under consideration Senate Bill, No. 170, entitled An Act for the Relief of John C. Hayes, late Sheriff of the County of San

Francisco, and report the bill back, and recommend its passage;

Also, have had under advisement substitute for Assembly Bill, No. 120, entitled An Act in relation to Mining Copartnerships, and report the bill back, and recommend that the same be indefinitely postponed—(Mr. Anderson voting for its passage);

Also, have had under consideration Senate Bill, No. 163, entitled An Act in relation to Publications, and report the bill back, and recommend

that the same be indefinitely postponed;

Also, your committee have had under advisement Assembly Bill, No. 28, entitled An Act concerning certain Acknowledgments of Deeds and other Instruments in Writing affecting Real Estate, and report the bill back, and recommend that the same be indefinitely postponed;

Also, have had under consideration Assembly Bill, No. 30, entitled An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State," so far as relates to the Counties of Santa Clara and Contra Costa, and report the bill back, and recommend

that the same be indefinitely postponed;

Also, have had under advisement Senate Bill, No. 94, entitled a bill for An Act to amend an Act entitled "An Act to provide for the Appointment of a Reporter of the Supreme Court, and to define his Duties and Compensation," approved April nineteenth, one thousand eight hundred and fifty-six, and report the bill back, and recommend that the same be indefinitely postponed.

Your committee have also had under consideration a petition from the citizens, Relative to a change of the County Seat of Yolo County, and recommend that the same be referred to the Senator from the Tenth Sena-

torial District.

Respectfully submitted.

MERRITT, Chairman.

Placed on file.

Mr. Edgerton, Senator from Solano, made the following report:

Mr. PRESIDENT:-The delegation from the Tenth Senatorial District, to whom was referred Senate Bill, No. 182, An Act to amend an Act entitled "An Act to authorize Charles J. Collins, his Associates and Assigns, to build a Wharf at Point Colberg, in Solano County," have had the same under consideration, and recommend the passage of the same, without amendment.

> H. EDGERTON, Senator from the Tenth Senatorial District.

Placed on file.

Mr. Sharp asked and was excused from serving on Special Committee appointed to consider Senate Bill, No. 186, An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States.

The Chair appointed Mr. Ryan in place of Mr. Sharp.

REPORTS.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. PRESIDENT:-The Committee on Engrossed Bills have examined Senate Bill, No. 181, An Act concerning the Government of the City of Marysville;

Also, Senate Bill, No. 107, An Act Appropriating Moneys for the bene-

fit of the Ladies' Seamen's Friend Society of San Francisco;

Also, Senate Bill, No. 169, An Act for the Relief of Michael Gregory. And find the same correctly engrossed.

DENT. Chairman.

Report accepted.

Mr. Parks, of Committee on Enrollment, made the following report:

Mr. President:-The Committee on Enrollment have examined Senate Bill, No. 77, An Act to establish Pilots and Pilot Regulations for Hum-

boldt Bay and Bar;
Also, Senate Bill, No. 166, An Act amending an Act entitled "An Act to establish the Industrial School Department of the City and County of San Francisco," approved April fifteenth, one thousand eight hundred

and fifty-eight;
Also, Senate Bill, No. 162, An Act to authorize the Executors of the Estate of Peter Tracy, deceased, to sell the Real Estate at Public or Pri-

vate Sale.

And found the same correctly enrolled, and have this day taken the same to the Governor.

W. H. PARKS,

For Committee.

Report accepted. Mr. O'Farrell, of the Sonoma Delegation, made the following report:

Mr. President:—The delegation to whom was referred Assembly Bill, No. 190, An Act to amend an Act entitled "An Act to Define the Boundaries and provide for the Organization of Mendocino County, return the same and recommend its passage.

O'FARRELL,

For the Delegation.

Placed on file.

COMMUNICATION FROM THE BOARD OF EXAMINERS.

The following communication was received from the Board of Examiners:

Office Board of Examiners, Sacramento, March 7, 1860.

To the Honorable the Senate of California:

I herewith transmit to your Honorable Body a list of claims passed upon by the Board of Examiners, together with the papers and decisions of the Board in each case, viz:

Description.	Am't claimed. Am't allowe	d. Rejected.
Claim No. 152, of J. J. Lecount Claim No. 155, of Brant Seguin Claim No. 157, of D. H. Whipley Claim No. 164, of J. B. Carr Claim No. 167, of W. S. Hughes Claim No. 171, of Chas. A. Clarke Claim No. 172, of A. Hiller Claim No. 173, of E. R. Campbell Claim No. 175, of John Hendley	\$491 00 1,725 00 2,008 85 200 00 49 75 6,500 00 314 00 200 00 937 97	rejected rejected rejected rejected rejected rejected rejected

JOHN G. DOWNEY,

President Board Examiners.

Referred to the Committee on Claims.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber,
March 7, 1860.

Mr. President:—The Assembly on yesterday passed substitute for Assembly Bills, Nos. 51 and 101, An Act to amend an Act entitled "An Act to authorize Married Women to Transact Business in their own name as Sole Traders," passed April twelfth, one thousand eight hundred and fifty-two;

Also, Senate Bill, No. 144, An Act fixing the time for holding the Court

of Sessions and the County Court in the County of Del Norte;

Also, Senate Bill, No. 158, An Act for the Adjustment and Final Settlement of the Indebtedness of Del Norte County to Klamath County;

Also, Assembly Concurrent Resolution, No. 54, Relative to leave of

absence to S. P. Skeniken;

Also, on the third inst., passed Assembly Bill, No. 244, An Act to Regulate the Care and Maintenance of the Indigent Sick in and for the County of Yuba;

Also, on the fifth, passed Senate Bill, No. 90, An Act providing for the Payment of a Judgment in favor of Trustum C. Gilman against the

County of Contra Costa;

Also, on the third, passed Assembly Bill, No. 124, An Act to authorize

J. C. Cissna to construct a Breakwater and Wharf at the port of San Luis Obispo, and providing for the same.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 101, An Act to amend an Act entitled "An Act to authorize Married Women to Transact Business in their own name as Sole Traders," passed April twelfth, one thousand eight hundred and fifty-two—was read first and second times and referred to the Judiciary Committee.

Assembly Concurrent Resolution, No. 54, Relative to leave of absence to S. P. Skeniker, District Attorney of Stanislaus County—was concurred in

Assembly Bill, No. 244, An Act to regulate the Care and Maintenance of the Indigent Sick in and for the County of Yuba—was read first and second times and referred to the Yuba and Sutter Delegation.

Assembly Bill, No. 124, An Act to authorize J. C. Cissna to construct a Breakwater and Wharf at the port of San Luis Obispo, and providing for the same—was read first and second times and referred to the Committee on Commerce and Navigation.

Mr. Watkins rose to a question of privilege, relative to a statement of the Daily Union that he had moved to indefinitely postpone the State Reform School Bill—Mr. Watson having made the motion.

INTRODUCTION AND FIRST READING OF BILLS.

Mr. Merritt, by leave, introduced a bill for an act entitled An Act to authorize the collection of certain taxes within this State.

Read first and second times, and referred to the Judiciary Committee.

Mr. McDonald, by leave, introduced a bill for an act entitled An Act
to provide for the collection of delinquent taxes in the City and County
of Sacramento.

Read first and second times, and referred to the Sacramento Delega-

Mr. Dent, by leave, introduced a bill for an act entitled An Act to increase the School Fund of the several counties of this State.

Read first and second times, and referred to the Committee on Finance.
On motion of Mr. Ballou, the usual number of copies of the bill just read was ordered printed.

Mr. Clark, by leave, introduced a bill for an act entitled An Act for the

more thorough Distribution of the Laws of the State.

Read first and second times, and referred to the Judiciary Committee.

Mr. Redman, by leave, introduced a bill for an act entitled An Act to
amend "An Act to Incorporate the City of San José," approved March
sixteenth, one thousand eight hundred and fifty-nine.

Read first and second times, and-

On motion of Mr. Redman, the rules were suspended, the bill consid-

ered engrossed, read a third time and passed.

Mr. Titus, pursuant to notice, introduced a bill for an act entitled An Act to appropriate Money for the purchase of certain City Lots and a Dairy for the State Insane Asylum.

Read first and second times, and placed on file.

Mr. Vance, by leave, introduced a bill for an act entitled An Act to authorize the County of Butte to purchase and hold Two Hundred Thou-

sand Dollars of the first Mortgage Bonds of the California Northern Railroad Company and to issue the Bonds of said County for the payment of the same and for other purposes connected therewith.

Read first and second times, and-

On motion of Mr. Vance, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Bill ordered engrossed, and read a third time.

On motion of Mr. Wheeler, Senate Bill, No. 114, An Act for the appointment of a State Assayer of Ores and Metals and to define his Duties—was taken from the file.

Mr. Anderson moved to reconsider the vote by which the bill was

ordered engrossed.

Mr. Merritt rose to a point of order: That no Senator could move for a reconsideration of a vote after so long a time had elapsed since the bill was engrossed.

The Chair decided the point of order well taken.

Mr. Logan, moved to refer to a special committee of three, with the

following special instructions:

Add to end of section three: provided, that the charges for such labor performed shall not be more than the prices of the United States Mint for similar services done, and the charge for a seal to any certificate, when required, shall not be more than two dollars.

Sec. 4. This act shall take effect from and after its passage.

Mr. Anderson offered the following as an amendment to Mr. Logan's

instructions, it being a substitute for section one of the bill:

Sec. 1. Any resident of this State, who shall prove to the Governor thereof, that he is a person of honesty, probity, and good behavior, also, that he is possessed of the scientific knowledge, and practiced in the art of assaying ores, minerals, and metals, shall be entitled to receive, on proper application, a certificate of appointment under the hand and seal of the Governor, as a State Assayer. Before entering upon the duties of his said appointment, he shall take and subscribe an oath faithfully to discharge the duties thereof; he shall also enter into bond as hereinafter required. Said appointment shall entitle said Assayer to give certificates under his hand and seal, as a State Assayer, for the period of two years.

The question being on the amendment, the ayes and noes were demanded, by Messrs. Lansing, Bradley, and Anderson, and taken with the

following result: Ayes, 8-noes, 18:

AYES-Messrs. Anderson, Chase, Crittenden, Denver, Franklin, Mc-

Donald, Parks, and Titus-8.

Noes-Messrs. Bradley, Clark, Eagon, Haynes, Kirkpatrick, Lansing, Leet, Logan, Merritt, Parker, Peachy, Pico, Quinn, Ryan, Vance, Watkins, Watson, and Wheeler-18.

So the amendment was lost.

Mr. Parks, moved to amend as follows:

Amend, by striking out "one," and inserting "five;" one to be established in San Francisco, Sacramento, Marysville, Stockton, and Placerville, respectively.

Amendment was lost.

The question recurring on Mr. Logan's instructions, the motion was carried.

The Chair appointed as such committee, Messrs. Logan, Wheeler, and Merritt.

Mr. Merritt in the Chair.

SPECIAL ORDER.

Senate Bill, No. 108, An Act amendatory of, and supplementary to, an Act entitled "An Act to create Inspectors of Pork, Beef, and Salt Provisions in this State," approved April twenty-third, one thousand eight hundred and fifty-six—substitute adopted.

Bill considered in Committee of the Whole, and amended.

IN SENATE.

Mr. Parker moved to make it the special order for Tuesday, March thirteenth, at twelve, M.

Lost.

Mr. Clark moved to make it the special order for Saturday, March tenth, at twelve, M.

Lost.

Amendments concurred in.

Mr. Watkins moved to suspend the rules, consider the bill engrossed. Upon which the ayes and noes were demanded by Messrs. Chase, Titus, and Logan, and taken with the following result: Ayes, 23—noes, 10.

AYES-Messrs. Bradley, Crittenden, De la Guerra, Dent, Denver, Ragon, Edgerton, Franklin, Kirkpatrick, Lansing, Leet. Logan, Merritt, Peachy, Pico, Quinn, Redman, Ryan, Sharp, Vance, Watkins, Watson, and Wheeler-23.

Noes-Messrs. Anderson, Clark, Chase, Haynes, McDonald, O'Farrell, Parker, Parks, Phelps, and Titus-10.

So the motion prevailed.

The question recurring on its passage, the ayes and noes were demanded by Messrs. Anderson, O'Farrell, and Titus, and taken with the following result: Ayes, 25—noes, 7:

AVES-Messrs. Bradley, Clark, Crittenden, De la Guerra, Dent, Denver, Eagon, Edgerton, Franklin, Haynes, Kirkpatrick, Lansing, Leet, Merritt, Parker, Peachy, Pico, Quinn, Ryan, Sharp, Titus, Vance, Watkins, Watson, and Wheeler—25.

Noes-Messrs. Anderson, Chase, Logan, O'Farrell, Parks, Phelps, and

Redman-7.

So the bill passed.

Mr. Parker gave notice that on to-morrow he would move for a reconsideration of the vote first taken.

Mr. Logan, Chairman of Special Committee, made the following report:

Mr. President:—Your Special Committee, to whom was referred Senate Bill, No. 114, An Act to provide for the Appointment of a State Assayer of Ores and Metals, and to Define his Duties, report the same back and recommend its passage, with the following amendments:

Add to end of section three, "provided, that the charges for such labor performed shall not be more than the prices of the United States Mint

for similar services done, and the charge for a seal to any certificate, when required, shall not be more than two dollars."

Sec. 4. This act shall take effect from and after its passage.

J. LOGAN, For Committee.

Amendments of Committee adopted, and bill above referred to read a third time and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, March 7th, 1860.

Mr. President:—I am directed to inform the Senate that the Assembly have this day passed Senate Bill, No. 12, An Act Extending the Privileges of the Homestead Law to Certain Persons, and to regulate the creation of the same.

J. M. ANDERSON, Clerk of Assembly.

INTRODUCTION OF BILLS.

Mr. De la Guerra, by leave, introduced a bill for an act entitled An Act to Appropriate Fifteen Thousand Dollars for the Construction of a Wagon Road through the County of Santa Barbara.

Read first and second times and referred to Committee on Roads and

Highways.

Mr. Clark, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

GENERAL FILE.

Senate Bill No. 107, An Act Appropriating Money for the Benefit of

the Ladies' Seamen's Friend Society of San Francisco.

The question being on its passage, the ayes and noes were demanded by Messrs. Quinn, Parks, and Lansing, and taken with the following result: Ayes, 9—noes, 18:

Ayes-Messrs. Anderson, Ballou, Edgerton, Merritt, O'Farrell, Parker,

Peachy, Phelps, and Sharp-9.

Noes-Messrs. Clark, Chase, Crittenden, De la Guerra, Dent, Denver, Franklin, Haynes, Kirkpatriek, Lansing, Leet, Logan, Parks, Pico, Quinn, Titus, Vance, and Watson.

So the bill was lost.

Mr. Watson gave notice that on to-morrow he would move for a recon-

sideration of the vote just taken.

Senate Bill, No. 122, An Act authorizing certain parties to Construct a Wharf in Petaluma Creek, in Sonoma County—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. O'Farrell, the rules were suspended, the bill consid-

ered engrossed, read a third time and passed.

Assembly Bill, No. 252, An Act to amend an act entitled "An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou," approved February twenty-second, one thousand eight hundred and sixty, and to extend the same to the County of Sonoma—was read a third time and passed.

Assembly Bill, No. 83, An Act concerning Roads and Highways in the Counties of Alameda and Santa Clara—was placed at the foot of the file.

On motion of Mr. Denver, Senate Bill, No. 104, An Act to Authorize the Board of Supervisors of the County of El Dorado to Take and Subscribe Three Hundred Thousand Dollars to the Capital Stock of the Placerville and Folsom Railroad Company, and to Provide for the Payment of the same, and other matters relating thereto, was taken from the file and referred to the El Dorado Delegation.

On motion of Mr. Dent, Senate Bill, No. 140, An Act for the Reclamation and Sale of the Swamp and Overflowed Lands of this State, was made the special order for Thursday, March twelfth, at twelve, M.

On motion of Mr. Sharp, the Petition of citizens of Yolo County, Relative to County Seat, was referred to the Senator from that county.

Mr. Phelps offered the following resolution:

Resolved, That the sum of three hundred and fifty dollars, be appropriated out of the Contingent Fund of the Senate, for a complete Index to the Senate and Assembly Books, the same to be under the supervision of D. J. Williamson, Assistant Secretary of the Senate; and the Controller of State is authorized to draw his warrant in favor of D. J. Williamson, for the above sum, when the work is completed.

Mr. Lansing moved that the Senate do now adjourn, upon which the ayes and noes were demanded by Messrs. Parker, Vance, and Lansing, and taken with the following result: Ayes, 18—noes, 12:

AYES—Messrs. Bradley, Ballou, Chase, Crittenden, Dent, Denver, Edgerton, Franklin, Haynes, Kirkpatrick, Lansing, Logan, Merritt, O'Farrell, Quinn, Ryan, Sharp, and Vance—18.

Noes-Messrs. De la Guerra, Leet, Parker, Parks, Peachy, Phelps,

Pico, Redman, Titus, Watkins, and Watson-12.

So the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: David J. WILLIAMSON, Assistant Secretary of Senate.

IN SENATE.

SENATE CHAMBER, Thursday, March 8, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called.

Journals of yesterday read and approved.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee have had under consideration Senate Bill, No. 86, An Act to Ratify and Confirm Ordinance No. 172, of the Board of Supervisors of the City and County of San Francisco, and beg leave to report the same back to the Senate and recommend its passage. From the information derived by the committee from most reliable sources, we are satisfied that the measure is a just and proper one, and demanded by the best interests of the city of San Francisco. The project of supplying the city of San Francisco with pure fresh water, projected by the San Francisco City Water Works, has proved a decided success, and, we are informed, saves annually to the

city of San Francisco and to her citizens a very large sum.

Your committee, who were instructed to send for persons and papers and examine into the charge made, that the passage of Ordinance No. 172 was procured to be passed by the Board of Supervisors of the city and county of San Francisco by the appliance of improper means and influences, have examined numerous witnesses who appeared and testified before the committee, and the committee unanimously report that there was not the slightest evidence adduced before them, even casting a suspicion upon the President or any member of the Board of Supervisors. Every gentleman who was subpensed by the committee appeared promptly and testified willingly; there was no attempt at concealment or evasion by any witness testifying. The greatest latitude was allowed by the committee in the examination of witnesses, and nothing was elicited reflecting in the slightest degree upon any person connected with the city government of San Francisco. We would have reported the evidence to the Senate, if it had any bearing upon the subject; but as it has not, we have deemed it unnecessary to do so. We cannot too strongly condemn the course of the parties making these charges, and reprobate the habit of these wholesale charges of fraud and corruption made without the evidence to sustain them. In this case we are compelled to say that the charges have every appearance of having been ignorantly or maliciously made. The only practical result of our investigation is, that the State will be compelled to foot the bills for summoning witnesses and for their attendance.

MERRITT,

Chairman.

Placed on file.

On motion of Mr. Edgerton, the rules were suspended and the bill just reported by the Judiciary Committee was taken up and considered in Committee of the Whole.

IN SENATE.

Mr. Sharp offered the following amendment:

Provided, that after the expiration of thirty years from the date of the passage of this act, the right hereinbefore granted to said company shall cease and determine, and all of the said water works, pipes, and machinery, and the source of water, shall revert to and become vested in the city of San Francisco.

Upon the adoption of the amendment the ayes and noes were demanded by Messrs. Merritt, Parker, and Edgerton, and taken with the following result: Ayes, 14—noes, 18:

AYES-Messrs. Bradley, Ballou, Crittenden, Dickinson, Eagon, Franklin, Haynes, Leet, McDonald, Peachy, Sharp, Titus, Vance, and Watkins

Noes-Messrs. Anderson, Clark, Chase, De la Guerra, Dent, Denver, Edgerton, Lansing, Merritt, O'Farrell, Parker, Parks, Phelps, Pico, Quinn, Redman, Ryan, and Watson—18:

So the amendment was lost.

On motion of Mr. Edgerton, the rules were suspended, the bill considered engrossed.

On its passage, the ayes and noes were demanded by Messrs. Sharp, Leet, and Dickinson, and taken, with the following result: Ayes, 29—noes, 4:

AYES—Messrs. Anderson, Bradley, Ballou, Clark, Chase, Crittenden, De la Guerra, Dent, Denver, Eagon, Edgerton, Franklin, Haynes, Lansing, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Ryan, Titus, Vance, and Watson—29.

Noes-Messrs. Dickinson, Leet, Sharp, and Watkins-4.

So the bill passed.

On motion of Mr. Edgerton, the Forty-Fifth Rule of the Senate was suspended and the bill transmitted to the Assembly.

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 140, An Act for the Reclamation and Sale of the Swamp and Overflowed Lands of this State—was, on motion of Mr. Anderson, laid on the table.

Mr. Anderson offered the following resolution:

Resolved, That the Special Committee appointed to consider Senate Bill, No. 167, have leave of absence for one week to visit the city of San Francisco upon business connected with the matters and things under their consideration; also, that said committee are empowered to employ a Clerk and Sergeant-at-Arms, and to send for persons and papers.

Mr. Edgerton offered the following as a substitute:

Resolved, That the Special Committee to which was referred Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead in the City and County of San Francisco, be authorized to proceed forthwith to the city of San Francisco for the purpose of inquiring into the necessity for constructing such a sea-wall or bulkhead, the practicability of the same, the value of the proposed franchise, the rights to be affected thereby, the property to be condemned under its provisions, and into such other matters as the committee may deem pertinent to a thorough understanding of that important measure; that said committee shall have power to send for persons and papers, and shall report to the Senate on or before the fifteenth day of March.

25sen

Pending the discussion, Mr. Merritt moved the previous question.

Sustained.

The question being, shall the main question now be put?

Carried.

The question recurring on the adoption of the substitute, the aves and noes were demanded by Messrs. Merritt, Logan, and Peachy, and taken, with the following result: Ayes, 18-noes, 13:

AYES-Messrs. Ballou, Clark, De la Guerra, Dent, Edgerton, Kirkpatrick, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Quinn, Redman, Sharp, and Vance-18.

Nors-Messrs. Anderson, Ballou, Chase, Dickinson, Eagon, Franklin,

Haynes, Lansing, Leet, Ryan, Titus, Watkins, and Watson-13.

So the substitute was adopted.

The question being on the adoption of the resolution, the ayes and noes were demanded by Messrs. Merritt, Peachy, and Logan, and taken, with the following result: Ayes, 13—noes, 20:

AYES-Messrs. Ballou, De la Guerra, Dent, Edgerton, Kirkpatrick, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, and Sharp-

Noes-Messrs. Anderson, Bradley, Clark, Chase. Crittenden, Dickinson, Eagon, Franklin, Haynes, Lansing, Leet, Phelps, Pico, Quinn, Redman Ryan, Titus, Vance, Watkins, and Watson-20.

So the resolution was lost.

Mr. Phelps gave notice that he would, on to-morrow, move for a recon-

sideration of the vote just taken.

Mr. Watson moved to reconsider the vote by which the Senate refused to pass Senate Bill, No. 107, An Act appropriating Moneys for the benefit of the Ladies' Seamen's Friend Society of San Francisco.

Mr. Lansing moved that the Senate do now adjourn.

The question being on the reconsideration of the vote on Senate Bill, No. 107, the ayes and noes were demanded by Messrs. Watson, Merritt, and Lansing, and taken with the following result: Ayes, 18—noes, 15:

AYES-Messrs. Anderson, Bradley, Ballou, Chase, De la Guerra, Eagon, Edgerton, Kirkpatrick, Merritt, O'Farrell, Parker, Peachy, Phelps, Pico, Ryan, Sharp, Watkins, and Watson-18.

Noes-Messrs. Clark, Crittenden, Dent, Denver, Dickinson, Franklin, Haynes, Lansing, Leet, Logan, McDonald, Parks, Quinn, Titus, and

Vance-15.

So the vote was reconsidered.

Mr. Watson moved to reconsider the vote whereby the bill was ordered engrossed.

Mr. Lansing rose to a point of order, that no Senator could move for a reconsideration of a vote after the lapse of one day.

The Chair decided the point of order well taken.

On motion of Mr. Merritt, the bill was referred to a Special Committee of three, with the following special instructions:
Strike out "ten thousand dollars," and insert "five thousand."

The Chair appointed Messrs. Merritt, Watson, and Chase, as such committee.

Mr. Lansing moved that the Senate do now adjourn. Lost.

REPORTS.

Mr. Parks, of Enrolling Committee, made the following report:

Mr. President:—The Committee on Enrollment have examined Senate Bill, No. 144, An Act defining the time for holding the Court of Sessions and the County Court, in the County of Del Norte;

Also, Senate Bill, No. 158, An Act for the Adjustment and Final Settlement of the Indebtedness of Del Norte County to Klamath County;

And have found the same correctly enrolled, and have this day taken the same to the Governor.

W. H. PARKS,

For Committee.

Report accepted.

Mr. Edgerton, Chairman of Special Committee, made the following report:

Mr. President:—Your committee to whom was referred Senate Bill, No. 186, have had the same under consideration, and report the same back to the Senate, recommending its passage, with the following amendment to section two:

Sec. 2. The said sum of one hundred thousand dollars shall be paid

or disbursed in the way and manner following:

To the company that shall first construct and put in complete working order a line of telegraph wire from some point in California, connecting with the telegraphing system of this State, to some point east of the Rocky Mountains, connecting with the telegraphic system of the Atlantic States, there shall be paid as a bonus or premium, the sum of sixty thousand dollars; and to the company that shall construct and put in complete working order the second line of telegraph wire from some point in California, connecting with the telegraphic system of this State, to some point east of the Rocky Mountains, connecting with the telegraphic system of the Atlantic States, there shall be paid as a bonus or premium, the sum of forty thousand dollars; provided, however, that the said line or lines shall be completed within twelve months from the passage of this act, or they shall not be entitled to receive the whole or any part of the bonus or premiums so offered; and, provided further, that if one line only of telegraphic wire be erected, completed, and put in perfect working order, in the way and manner aforesaid, and within the said period of eighteen months, the company constructing such line shall be entitled to receive the said bonus or premium of sixty thousand dollars.

> EDGERTON, Chairman.

RYAN, FRANKLIN.

Placed on file.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Enrolled Bills have examined Senate Bill, No. 134, An Act amendatory of, and supplementary to, "An Act concerning Lawful Fences;"

Also, Senate Bill, No. 187, An Act to authorize the County of Butte to

purchase and hold Two Hundred Thousand Dollars of the First Mortgage Bonds of the California Northern Railroad Company, and to issue the Bonds of said County for the payment of the same, and for other purposes connected therewith;

And find the same correctly engrossed.

DENT, Chairman.

Report accepted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, March 8th, 1860.

Mr. PRESIDENT:—The Assembly on yesterday passed Assembly Bill, No. 184, An Act to authorize the issuance of Duplicates for certain lost School Land Warrants;

Also, Senate Bill, No. 66, An Act to prohibit the burning of Bricks within certain limits in the City and County of San Francisco, with an amendment.

R. K. WESTON,
Assistant Clerk of Assembly.

Assembly Bill, No. 184, An Act to authorize the issuance of certain lost School Land Warrants—was read first and second times, and referred to the Committee on Claims.

Mr. Dickinson moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Dickinson, Lansing, and Denver, and taken with the following result: Ayes, 6—noes, 28:

AYES-Messrs. Clark, Crittenden, Denver, Dickinson, Lansing, and Quinn-6.

Noes—Messrs. Anderson, Bradley, Ballou, Chase, De la Guerra, Dent, Eagon, Edgerton, Franklin, Haynes, Kirkpatrick, Leet, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Redman, Ryan, Sharp, Titus, Vance, Watkins, and Watson—28.

So the motion was lost.

Mr. Merritt, Chairman of Special Committee, made the following report:

Mr. President:—The special committee, to whom was referred Senate Bill, No. 107, with special instructions, beg leave to report the same back, with the following amendment: In third line, first section, strike out "ten," and insert "five," and in sixth line, first section, strike out "ten," and insert "five."

MERRITT,

Ch'n Special Committee.

Amendments above reported taken up and adopted. Mr. Lansing moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Lansing, Dickinson, and Denver, and taken with the following result: Ayes, 4—noes, 30:

Ayes-Messrs. Denver, Dickinson, Lansing, and Vance-4.

Noes-Messrs. Anderson, Bradley, Ballou, Clark, Chase, Crittenden, De la Guerra, Dent, Eagon, Edgerton, Franklin, Haynes, Kirkpatrick, Leet, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Ryan, Sharp, Titus, Watkins, and Watson—30:

So the motion was lost.

The question being on the passage of the bill as amended, the ayes and nocs were demanded, by Messrs. Lansing, Denver, and Leet, and taken with the following result: Ayes, 24—noes, 10:

AYES—Messrs. Anderson, Bradley, Ballou, Clark, Chase, De la Guerra, Eagon, Edgerton, Kirkpatrick, Lansing, Logan, Merritt, O'Farrell, Parker, Peachy, Phelps, Pico, Quinn, Redman, Ryan, Sharp, Vance, Watkins, and Watson—24.

Noes-Messrs. Crittenden, Dent, Denver, Dickinson, Franklin, Haynes,

Leet, McDonald, Parks, and Titus-10.

So the bill passed.

Mr. Lansing gave notice that on to-morrow he would move for a reconsideration of the vote just taken.

Mr. Ballou offered the following resolution:

Resolved. That nine hundred and sixty copies of the annual report of the State Registrar be printed—two hundred copies of which said number shall go to the State Registrar—the same to be payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Lansing moved that the Senate do now adjourn.

Lost.

Mr. Eagon moved to reconsider the vote whereby the Senate adopted a resolution relative to indexing the Journal of Senate.

On motion of Mr. Sharp, the motion was made the special order for

to-morrow, at twelve, M.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act to change the name of Francis Butler McAllister, to Francis Butler.

Read first and second times, and-

On motion of Mr. Sharp, the rules were suspended, the bill considered engrossed, read a third time, and passed, the Forty-Fifth Rule suspended,

and the bill transmitted to the Assembly.

Mr. Parker moved to reconsider the vote whereby the Senate passed Senate Bill, No. 108, An Act amendatory of, and supplementary to, an Act entitled "An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State," approved April twenty-third, one thousand eight hundred and fifty-six, and make it the special order for to-morrow, at twelve, M.

Pending which, Mr. Merritt moved that the Senate do now adjourn.

Lost.

The question being on making the bill the special order, it was lost.

The question then being on reconsidering the vote, the ayes and noes were demanded, by Messrs. Anderson, Parker, and Edgerton, and taken with the following result: Ayes, 9—noes, 22:

AYES-Messrs. Anderson, Chase, Dickinson, Franklin, Logan, McDon-

ald, O'Farrell, Parker, and Titus-9,

Noes-Messrs. Bradley, Crittenden, De la Guerra, Dent, Denver, Eagon, Edgerton, Haynes, Kirkpatrick, Lansing, Leet, Merritt, Peachy, Phelps, Pico, Quinn, Redman, Ryan, Sharp, Vance, Watkins, and Watson—22.

So the motion was lost.

Mr. Leet, by leave, introduced a bill for an act entitled An Act concerning the Board of State Prison Directors.

Read first and second times, and referred to the Judiciary Committee.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, March 8, 1860.

Mr. President:—The Assembly has this day passed Senate Bill, No. 181, An Act concerning the Government of the City of Marysville.

J. M. ANDERSON,

Clerk.

REPORT.

Mr. Watkins, Chairman of Committee on Claims, made the following report:

Mr. President:—The Committee on Claims, to whom was referred Senate Bill, No. 133, entitled An Act to provide for the issuance and payment of Bonds for expenses incurred in the suppression of Indian Hostilities in certain Counties of this State, report that they have had the same under consideration, and after a full and impartial investigation of the provisions of the bill, are satisfied that justice to the parties holding the bonds heretofore issued, under the acts of one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-nine, and good faith on the part of the State, requires that the bill should become a law.

They, therefore, unanimously recommend the passage of the bill, with-

out amendment.

WATKINS, Chairman.

Placed on file.

REPORT OF JOINT COMMITTEE ON THE CAPITAL QUESTION.

Mr. Watkins, Chairman of the Special Committee on State Capital, made the following report:

To the Honorable the Senate and Assembly:

Mr. Speaker:—Pursuant to the authority embodied in the Joint Resolution hereto appended, your committee beg leave to make the following

report:

Resolved, By the Assembly, the Senate concurring, that a Joint Committe of four from the Assembly, and four from the Senate, be appointed to take into consideration the permanent location, and, if deemed expedient, the removal of the Seat of Government, and to report thereon to the Senate and Assembly.

Having received information that the Board of Supervisors of the city of San Francisco were prepared to make certain proposals, in regard to the location and building of the capitol, and that the authorities of Oakland, San José, and other places, were also anxious to place certain lands and moneys at the disposal of the State, your committee deemed it advisable to visit the different places named, in order to be fully advised of the various advantages of each location, previous to making a final report to your Honorable Bodies.

On Friday, February seventeenth, therefore, your committee, accompanied by the proper officers, proceeded to the city of San Francisco Before they returned to the capital the committee visitied the cities of Oakland, and San José, and received from the authorities such proposals

as they were pleased to offer.

On Tuesday, February twenty-first, the committee received a deputa tion from the Board of Supervisors of San Francisco, and by invitation visited the various sites proposed to be donated by the city to the State. While engaged in this duty, the committee also entertained proposals from private parties, and in one instance, received a written proposition, and examined the tract of land mentioned in the communication.

[Proposition No. 1.]

The following note, and accompanying documents, were received by this committee, from the President of the Board of Supervisors of the city and county of San Francisco.

Office of the President of the Board of Supervisors, San Francisco, February 22, 1860.

To the Joint Committee of the Legislature of California, on the Removal of the Capital of the State of California from Sacramento:

Gentlemen:—Inclosed, you will find two resolutions of the Board of Supervisors of the city and county of San Franciso, respectively passed February first and seventh, one thousand eight hundred and sixty, and which I now send to you as the official proposal of the city and county of San Francisco to the State of California.

I have the honor to remain,

Yours, very respectfully,
H. TESCHEMACHER,
President Board Supervisors.

CLERK'S OFFICE, BOARD OF SUPERVISORS, San Francisco, Feb. 22, 1860.

I hereby certify the following resolutions, Nos. 630 and 641, to be true copies of the originals now on file in this office.

MILO CALKIN, Clerk.

Preamble and Resolution No. 630.

Whereas, It is represented to this Board, that the Legislature of the State of California are desirous of removing the capital of the State to, and fixing the same in, this city; and,

Whereas, The people of the city and county of San Francisco, represented

in this Board of Supervisors, are desirous of promoting and encouraging the location of the State Capital in this city, deeming it for the best interests of the people of the entire State that the State Capital should be permanently located here, this being the commercial center of the State. Now, therefore, in order to promote the said removal and location, be it

Resolved, That this Board of Supervisors, of the city and county of San Francisco, representing the people of said city and county, do hereby offer and tender, to the State of California, freely, and without price or charge, the use of one of the principal blocks, squares, or plazas, within, and belonging to, the said city and county of San Francisco, for the use of the State, upon which to build a capitol, and that any one of the open squares belonging to the city and county, except "Portsmouth Square," be, and the same is, hereby tendered, which may be selected by a Joint Committee, to be appointed by both Houses of the Legislature of this State; and when so selected, and this tender accepted, then this Board will grant, convey, and confirm, the use of the same to the State, perpetually, or so long as the same may be occupied for the purposes of a State Capitol.

In Board of Supervisors, January thirtieth, one thousand eight hundred and sixty, finally passed by the following vote:

AYES—Supervisors Biden, Gates, Brooks, Young, Tennent, Paxson, Davies, Otis, Randall, and Lynch.

Noes—Britton and Johnston.

MILO CALKIN, Clerk.

Approved, San Francisco, January thirty-first, one thousand eight hundred and sixty.

H. F. TESCHEMACHER,
President Board Supervisors.

Preamble and Resolution No. 641, in relation to a State Capitol.

Whereas, Petitions have been presented to this Board, signed by a large portion of the real estate and property owners of this city and county, asking this Board to appropriate the sum of one hundred and fifty thousand dollars in bonds of this city, bearing interest at seven per cent. per annum, and payable in ten years, and to appropriate the use of one of the blocks or squares of the city of San Francisco to the State of California, to be used as a site of the State Capitol, on condition that the Legislature remove the Capitol of the State to this city, the said money to be used in the erection of a State House upon said land. The building and land to remain the property of the State so long as the capitol shall remain in said city, but in case the capitol be removed from this city, then said property to revert to the city and county of San Francisco.

And, Whereas, This Board do concur in the sentiments of said petitioners: be it therefore

Resolved, That the Legislature be requested to authorize the Board of Supervisors of the city and county of San Francisco to issue bonds to the amount of one hundred and fifty thousand dollars, payable in ten

years, bearing interest at the rate of seven per cent. per year, with coupons attached, and to levy and assess upon all taxable property in the said city and county of San Francisco, to pay the annual interest upon the sum of one hundred and fifty thousand dollars. Said bonds to be donated to the State for the use and purposes above expressed. The said assessment to be levied and collected at the first annual levy, assessment, and collection of taxes, by said city and county, after the passage of an act by the Legislature accepting the terms of this resolution and granting the powers above specified.

Resolved, That this resolution be taken as a further and additional offer

and tender to that which passed this Board as Resolution, No. 680.

In Board of Supervisors, February seven, one thousand eight hundred and sixty, finally adopted by the following vote:

AYES-Supervisors Biden, Gates, Young, Tennent, Davies, Johnston, and Randall.

Noes-Supervisors Britton, Brooks, Paxson, Otis.

Approved San Francisco, one thousand eight hundred and sixty.

MILO CALKIN, Clerk.

H. F. TESCHEMACHER,
President Board of Supervisors.

[Proposition No. 2.]

SAN FRANCISCO, February 6, 1860.

To the Honorable, the Committee of the Legislature on Examination of Sites for the Permanent Location of a State Capital:

GENTLEMEN: —We, the undersigned, owners of the hereinafter described premises, make the following proposition toward securing the permanent

location of the State Capital at the city of San Francisco.

We will, for the purpose aforesaid, convey, free of cost, to the State the four blocks of land, being blocks Nos. 80, 81, 132, and 133, Western Addition, bounded by Eddy, O'Farrell, and Gough streets, and Van Ness Avenue. Also, we will agree to plank the streets entirely around the same, and plank two streets connecting the said land with the planked streets of the city.

The land is an elevation, with a nearly level surface of about three blocks on the summit, and commands one of the most extensive views to be obtained in the city or county, and is approachable on all sides, by a gentle and regular grade. We believe that the site herein proposed, possesses greater advantages for the purposes aforesaid, than any other which can be offered, and respectfully request that the same may be examined by you.

amined by you.

We will give satisfactory bonds to quiet every title to the premises,

and comply with the foregoing proposition, in every particular.

Very respectfully, Your obedient servants,

> BEIDEMAN & PAGE, 94 Merchant Street, San Francisco.

[Proposition No. 3.]

The third proposition is from the citizens of Oakland, and is a renewal of the offer made by the same parties one year ago. Ten acres of land in the most pleasant part of the city will be granted for the proposed site of a capitol. As the members of the Legislature, generally, are acquainted with all the circumstances relative to the former offer of the people of Oakland, your committee deems it unnecessary to extend a notice of the same.

[Proposition No. 4.]

The authorities of the county of Santa Clara claim that the removal of the capital from Jan José to Vallejo, and every subsequent removal, was unconstitutional; and the citizens of San José also claim that as the removal was illegal, the proper place for the capital is at that city. No new phase of the case was presented to your committee; and, as in the case of Oakland, the Legislature is acquainted with the whole matter, the mere notice of the facts is deemed sufficient.

[Proposition No. 5.]

The city of Sacramento having already donated to the State a public lic square for the public buildings, including a capitol, the citizens renew the claims of said city, as being the proper place for the permanent location of the capital. The above mentioned lot of ground has been deeded to the State, and the necessary papers have been properly recorded. In the Board of Supervisors of the city and county of Sacramento, on Wednesday, March the seventh, one thousand eight hundred and sixty, the following preamble and resolutions were adopted:

Whereas, The public authorities of this county, as a condition of the removal of the seat of government to Sacramento, did, in the year one thousand eight hundred and fifty-four, tender to the Legislature the full use of its court house, for the purposes of a capitol; and,

Whereas, In consequence of the subsequent destruction of said building by fire, a new one was required to be erected, at a cost of nearly two hundred and fifty thousand dollars, and other vicissitudes, of flood and conflagration, involved that city in heavy pecuniary calamities, by reason whereaf the Legislature from its own spontaneous action and without

whereof the Legislature, from its own spontaneous action, and without the solicitation of the delegation of Sacramento, or the citizens thereof, passed an act authorizing the payment of rent, for the use of the new State House, then recently erected; and,

Whereas, In disregard of these facts, recent and unjust complaints have been publicly made that Sacramento had violated her good faith in tendering to the Legislature the free use of the State House, and then receiving rent for its occupation; and,

Whereas, The original tender of the free use of said building, by the authorities of Sacramento has never been withdrawn, and the rent for the use thereof has always been received as a gratuity from the State, under the circumstances aforesaid; therefore,

Resolved, That this Board do now renew to the Legislature, the original tender of the free use of the present State House, without rent or

charge of any kind, and that such free use be permanent, so long as in the pleasure of the Legislature the occupation of said building shall contiuue.

> WATKINS, Chairman.

RECOMMENDATIONS BY THE COMMITTEE.

The Joint Committee, appointed by the Senate and Assembly, to take into consideration the permanent location of the seat of government, and, if it be deemed expedient, the removal of the capital, respectfully report:

That they have duly regarded the subject submitted to them in both its branches, and after a patient and mature investigation, submit the

following conclusions.

The first question presented to them, in the order of precedence, involves an inquiry into the expediency of making a permanent location of the seat of government during the present session of the Legislature. By the phrase, "permanent location," as employed in the resolution under which they are acting, your committee understands, not a location rendered permanent theoretically, by an act of the Legislature, merely declaring it to be so, for that has already been done—as was well known by your Honorable Body—by the statute of one thousand eight hundred and fifty-four, which transferred the seat of government to Sacramento, and declared that to be the place of its permanent location. If, as is generally conceded, notwithstanding the provisions of that statute, making Sacramento the permanent location, the seat of government can still be removed by a majority vote of both branches of the Legislature, no new force could be given, nor higher sanction conferred by the mere passage of a new act, enacting that Sacramento, or any other place, should be the seat of permanent location. Your committee, thererefore, understand the language of the resolution to signify a location rendered permanent practically, by the passage of an act providing for the immediate erection of a capitol at the place selected for the permanent seat of government, and the appropriation of a suitable fund for defraying the expenses there-Regarding the question in this view, your committee have no hesitation in recommending the passage of an act authorizing the erection of a State House, and making a proper appropriation therefor.

The propriety of this recommendation is sustained by the following reasons: For more than ten years California, although constantly increasing in wealth, population, and external influence, has never had a State House, nor any public buildings for the accommodation of her officers and courts of justice, of which the ownership was vested in herself. During all that time, from this very destitution, her seat of government, although nominally permanent, has fluctuated from point to point, until the instability of its location has become a reproach and almost a derision among the people. Again, the crection of a State House and the necessary public buildings by the State, would not only relieve her from the necessity of depending on the charity or the caprice of those local quarters where her capital chances for the time to be, but would also provide accommodations better suited to her wants, more adaptive and appropriate, more ornamental, and what is of no less importance, devoted exclusively and forever to the uses of the State. Strangers visiting the State are struck with astonishment at the fact that in spite of her enormous wealth, and during so long a period of time, she has had no public buildings, and not even a capitol which she could call her own. Again, the erection of a State House would prove the means, and the only means, of giving permanent location to the seat of government, and thus allaying the agitation which the claims of rival sections will keep constantly alive until the permanent location has been absolutely and unalterably fixed. From this agitation spring innumerable evils. A large portion of the time, and a still larger portion of the money of each succeeding legislature is squandered in the discussion of this question, the creation of committees, the consequent delay of other and more important business, the traffic and bargaining in votes on other measures which are interwoven with this subject, and the numerous adjournments which occur. It is capable of demonstration, that the frequent removals of the capital, and the discussions and delays which have resulted from the agitation of this fruitful topic, have cost the State a larger sum than would have sufficed for the entire erection and completion of a State House.

Having thus, for these and other reasons, too voluminous to be set forth in a report, arrived at the conviction that a permanent location, rendered effectual by an adequate appropriation for the building of a capitol is desirable, your committe recommend that proper action be taken by your Honorable Body for the immediate establishment of a permanent seat of

government, in the manner which they have prescribed.

The next consideration presented to your committee by the resolution under which they act is, whether it be deemed expedient that the capi-

tal shall be removed from Sacramento.

In the discharge of their duty, your committee have visited all those cities which are before the Legislature as competitors for the site of a permanent location, and while they refrain from specifying in detail the local disabilities and merits of all other claimants, they are constrained to admit, after a patient and impartial examination, that Sacramento, in her position and resources, is not only more eligible and adaptive, but combines a greater number of facilities and advantages for a permanent location than any other site within the State. Having been located ineffectually at various other points, and after a brief season of experiment and failure, transferred to new quarters, only to be again set in motion, the seat of government was, by an act of the Legislature, permanently established at Sacramento, in the year one thousand eight hundred and fifty-four. There it has remained ever since; and although repeated efforts have been made to effect a transfer to new quarters during the last six years, the failure of these attempts is in itself a strong argument in favor of the superiority of that location over any other. By a very heavy vote, and with the entire sanction of the people, the Legislature of one thousand eight hundred and fifty-six not only decided in further favor of its permanency, but provided for the erection of a State House, with an ample appropriation therefor, and but for the decision of the Supreme Court, deciding that act of the Legislature unconstitutional on pecuniary grounds, this vexatious question would have been forever set at rest. Moreover, the acquiescence of the people for so long a period in the existing location, is clearly significant of the popular approval. In point of size, Sacramento is the second city of the State. While on the one hand it is sufficiently populous and extensive to accommodate the wants of a Legislature and insure the convenience and comfort of its members, on the other, it is destitute of the corrupting influences and moneyed power of a great metropolis. It is situated at the virtual head of navigation, and though not the geographical center, is the center of population, communication, and intelligence. From it, as from a focal point, the routes of travel radiate, by stages, steamboats, and railroad, in every direction, to the utmost extremities of the State. Statistical examination fully establishes that it is the point of easiest access to the larger masses of the population, and the most influential counties. It is the great emporium of the vast mining region of the north. Not because it is the capital, but because of its local advantages alone, it has become the point at which all public movements of the people concentrate, and the place where conventions, whether organized for political, industrial, mechanical, professional, mining, or scientific objects, are uniformly held. Its situation reduces the mileage fees of members far below the amount required by any other location in the State.

In view of these facts, and others of a kindred character, your committee have no hesitation in declaring that the removal of the Capital would be inexpedient and injurious to the best interests of the Government. It is obvious that any location, south of Sacramento, would become still more objectionable, if the contemplated division of the State should be accomplished. Without conceding the absolute right of instruction, your committee are gratified to find these views so generally sanctioned by the indications of the popular will. Not only have those counties where this question has been submitted to the people, declared for Sacramento, but her claims have been upheld by the almost unanimous voice of the press, which may fairly be regarded as the true crite-

rion of public sentiment upon this subject.

In considering the liberal offers by San Francisco toward the erection of a State House, your committee are not prepared to say but that its ultimate expenses of construction, if located in that city, independently of the donated sum, would more than equal the entire cost of building a capitol at Sacramento. Past experience, however, has demonstrated that it is unsafe to rely upon offers of local competition, nor is such a system consistent with the true dignity of an opulent and independent State. In justice to Sacramento, they have investigated the imputation of breach of faith on her part, in non-complying with the terms on which she procured the removal of the seat of government from Benicia, and find that charge unsustained. Sacramento offered the free use of her court-house as a condition of removal. That use was given until the building was destroyed by fire. Another was immediately erected at a cost of nearly two hundred and fifty thousand dollars, the use of which was continued by her to the Legislature until, at a subsequent session, on a motion of a member from another county, made in view of her heavy losses and large public debt, the Legislature, without any action on her part, passed a voluntary and almost unanimous resolution to pay rent for the use of the State House from that time.

In summing up their views upon this whole subject, founded upon the reasons hereinbefore set forth, your committee having given it that earnest consideration which its importance demands, and in accordance with the resolution under which they were authorized to act, earnestly rec-

ommend:

First—That a permanent location of the Seat of Government is expedient, and to that end an appropriation should be made for the immediate erection of a State House.

Second—That the removal of the capital from Sacramento is inexpedient, and would be injurious to the public interests.

All of which, is respectfully submitted.

W. P. WATKINS, JOHN A. EAGON, J. P. HAYNES. GEO. W. BAILEY, House. On motion of Mr. Parker, the further reading of the report was dispensed with, and twice the usual number of copies of the report and accompanying documents, ordered printed.

Mr. Bradley, Chairman of Committee on Mining and Mining Interests,

made the following report:

Mr. President:—The Committee on Mines and Mining Interests, to whom was referred Assembly Bill, No. 226, have had the same under consideration, and herewith return the bill, with amendments, and rec-

ommend its passage as amended.

Amend section one, by adding the following: "provided, further, that nothing in this act shall be so construed as to give the said company any right to purchase or appropriate the water of any ditch, gulch, or ravine, on the line of said ditch, without the consent of parties owning the same."

B. T. BRADLEY,

Chairman.

Mr. Parker asked and obtained leave of absence for Mr. Wheeler for one day.

Mr. Edgerton, by leave, introduced a bill for an act entitled An Act to

fix the Compensation of the Auditor of Napa County.

Read first and second times, and referred to the Senator from Napa

County.

Mr. Redman gave notice that at an early day he would introduce a bill relating to the subject commonly known as "lobbying" and "log-rolling," and to declare the same to be a misdemeanor.

Mr. Crittenden, by request, introduced a bill for an act entitled An Act

for the Protection of Fisheries.

Read first and second times, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Merritt, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Friday, March 9th, 1860.

Senate met pursuant to adjournment.
President in the Chair.
Roll called.
Journal of yesterday read and approved.

REPORTS.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate Bill, No. 189, entitled An Act for the more thorough Distribution

of the Laws of this State, have had the same under consideration, and

report the bill back, and recommend that it do not pass.

Your committee have also had under advisement Senate Bill, No. 193, entitled An Act to authorize the Collection of certain Taxes within this State, and report the bill back, with the following amendments, and recommend its passage as amended:

Amend section one, lines first and second, by striking out the words, "of any county within this State," and insert "the county of Mariposa."

Amend title by striking out the words "taxes within this State," and insert "State and County Taxes in the County of Mariposa."

Your committee have also had under consideration Senate Bill, No. 185, entitled An Act relating to the time of commencing Suits upon Judgments, and the issuing of Execution thereon, and report the bill back, and recommend that the same be indefinitely postponed.

Your committee have also had under advisement Assembly Bill, No. 143, entitled An Act to provide for the Conveyance of Mining Claims,

and report the bill back, and recommend its passage.

Your committee have also had under advisement substitute for Assembly Bills, Nos. 51 and 101, entitled An Act to amend an Act entitled "An Act to authorize Women to transact Business in their own name as Sole Traders," passed April twelfth, one thousand eight hundred and fiftytwo, and report the bill back, with a substitute, with the recommendation that the substitute be adopted.

MERRITT, Chairman.

Placed on file.

Mr. Parks, of Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT:-The Committee on Enrollment have examined Senate Bill, No. 90, An Act providing for the Payment of a Judgment in favor of Trustum C. Gilman, against the County of Contra Costa, and have found the same correctly enrolled, and have this day taken the same to the Governor.

W. H. PARKS,

For Committee.

Report accepted.

Mr. Parks, of Committee on Public Lands, made the following report:

Mr. President:-Your Committee on Public Lands have had under consideration Senate Bill, No. 175, An Act to provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Mendocino County, and beg leave to report it back, and recommend its passage without amendment.

W. H. PARKS,

For Committee.

Placed on file.

Mr. Logan, of the Committee on Engrossed Bills, made the following report:

Mr. President:-The Committee on Engrossed Bills have examined Senate Bill, No. 108, An Act amendatory of, and supplemental to, an Act entitled "An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State," approved April twenty-first, one thousand eight hundred and fifty-six;

Also, Senate Bill, No. 122, An Act authorizing certain Parties to con-

struct a Wharf on Petaluma Creek, in Sonoma County;

Also, Senate Bill, No. 191, An Act to amend "An Act to Incorporate the City of San José," approved March sixteenth, one thousand eight hundred and fifty-nine—

And find the same correctly engrossed.

LOGAN,
Of the Committee.

Report accepted.
Mr. Sharp, of the San Francisco Delegation, made the following report

Mr. President:—Your committee to whom was referred Assembly Bill, No. 163, entitled An Act to confer further Powers upon the Board of Education, and the Auditor and Treasurer, of the City and County of San Francisco, also, amendatory of an Act approved April twenty-third, one thousand eight hundred and fifty-eight, entitled "An Act to confer further Powers upon the Board of Supervisors, Auditor, and County Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned," and recommend its passage.

SOL. A. SHARP,

For the Delegation.

Placed on file.

On motion of Mr. Sharp, the rules were suspended, the bill just reported was taken up, read a third time and passed.

Mr. Merritt asked and obtained leave of absence for himself, for two days.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, March 9th, 1860.

Mr. President:—The Assembly on yesterday passed Assembly Bill, No. 222, An Act amendatory of "An Act to amend 'An Act to amend An Act providing for a Permanent Location of the Seats of Justice in the several Counties," passed April eleventh, one thousand eight hundred and fifty, passed May thirteenth, one thousand eight hundred and fifty-four, passed February first, one thousand eight hundred and fifty-five;

Also, Assembly Bill, No. 176, An Act supplemental to an Act entitled "An Act to authorize the Sale of certain Real Estate by Guardians," approved twenty-eighth March, one thousand eight hundred and fifty-

nine

Also, adopted Assembly Concurrent Resolution, No. 55, Relative to

Printing Quartermaster-General's Report;

Also, on the twenty-seventh ult., passed Assembly Bill, No. 188, An Act amendatory of an Act entitled "An Act to amend 'An Act to provide Revenue for the Support of the Government of this State,'" passed May fifteenth, one thousand eight hundred and fifty-four, approved April seventeenth, one thousand eight hundred and fifty-five;

Also, on the sixth instant, Assembly Bill, No. 271, An Act to fix the time of holding the County Court and Court of Sessions, in Solano

County;

Also, Assembly Bill, No. 234, An Act to authorize Francis Schultz, Chancellor Hartson, and such others as they may see fit to associate with

themselves, to build a Wharf at the foot of Main Street in Napa City, in the County of Napa;

Also, Assembly Bill, No. 211, An Act to authorize the Trustees of the

Petaluma School District to Levy a Tax for certain purposes. R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 222, An Act amendatory of "An Act to amend 'An Act to amend An Act providing for a Permanent Location of the Seats of Justice in the several Counties," passed April eleventh, one thousand eight hundred and fifty, passed May thirteenth, one thousand eight hundred and fifty-four, passed February first, one thousand eight hundred and fifty-five-was read first and second times and referred to the Committee on Counties and County Boundaries.

Assembly Bill, No. 176, An Act supplemental to an Act entitled "An Act to authorize the Sale of certain Real Estate by Guardians," approved March twenty-eighth, one thousand eight hundred and fifty-nine-was read first and second times and referred to the Judiciary Committee.

Assembly Concurrent Resolution, No. 55, Relative to printing Quarter-

master-General's Report—was referred to Committee on Printing.

Assembly Bill, No. 188, An Act amendatory of an Act entitled "An Act to amend 'An Act to Provide Revenue for the Support of the Government of this State," passed May fifteenth, one thousand eight hundred and fifty-four, approved April seventeenth, one thousand eight hundred and fifty-five-was read first and second times and referred to the Committee on Finance.

Assembly Bill, No. 271, An Act fixing the Time of Holding the County Court and Court of Sessions in Solano County—was read first and second

times.

On motion of Mr. Edgerton, the rules were suspended, the bill read a

third time; and passed.

Assembly Bill, No. 234, An Act to authorize Francis Schultz, Chancellor Hartson, and such others as they may see fit to associate with themselves, to build a Wharf at the foot of Main Street in Napa City, in the County of Napa-was read first and second times.

On motion of Mr. Edgerton, was made the special order for Friday,

March sixteenth, at twelve, M.

Assembly Bill, No. 211, An Act to authorize the Trustees of the Petaluma School District to Levy a Tax for certain purposes—was read first and second times.

On motion of Mr. O'Farrell, the rules were suspended, the bill read a

third time, and passed.

On motion of Mr. Sharp, Senate Bill, No. 170, An Act for the Relief of John C. Hays, late Sheriff of San Francisco County, was taken from file

and referred to the San Francisco Delegation.

On motion of Mr. Merritt, the rules were suspended and Senate Bill, No. 193, An Act to authorize the Collection of certain Taxes within this State, was taken from the file, and considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Merritt, the rules were further suspended, the bill considered engrossed, read a third time, and passed.

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On motion of Mr. Merritt, the title was amended by striking out the words "taxeswithin this State," and inserting "State and County Taxes in the County of Mariposa."

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor, accompanied by a report of the Commissioners of the California War Debt:

> STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,) Sacramento, March 7, 1860.

To the Honorable the Senate of California:

I herewith transmit to your Honorable Body the report of the Commissioners of the California War Debt, to which I respectfully call your earnest attention.

This commission was created by the "Act concerning the War Debt of this State, and providing for the Redemption thereof," approved April

nineteenth, one thousand eight hundred and fifty-six.

The Commissioners express a desire to be relieved from further connection with this matter, and, yielding to that desire, I would respectfully recommend that an act should at once be passed, requiring the Treasurer of the State to receive from the Commissioners all books and papers, of whatsoever description, belonging to the commission.

A committee from both Houses should be appointed, who, together with the Treasurer, should examine into, and report, the present condition of the aforesaid war indebtedness, and after having so reported

should be required to cancel or destroy the redeemed coupons.

The Commissioners, in their report, recommend "that the balance outstanding, over and above the amount appropriated by Congress—say two hundred and eighteen thousand four hundred and twelve dollars-should be paid in cash, if the condition of the treasury will permit, as the credit of the State is pledged, and good faith requires that they should be paid."

I have always looked upon this debt as justly chargeable to the General Government, and, being firmly of that opinion, the recommendation of the Commissioners that the State should pay the amount still due in cash, does not meet with my approval, nor do I consider the condition of the treasury such as would justify such an appropriation

JOHN G. DOWNEY,

Governor.

Referred to the Committee on Claims.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,) Sacramento, March 9, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill No. 162, An Act to authorize the Executors of the Estate of Peter Tracy, deceased, to sell Real Estate at Public or Private Sale;

Also, Senate Bill, No. 166, An Act amending an Act entitled "An Act to establish the Industrial School Department of the City and County of San Francisco," approved April fifteenth, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 77, An Act to establish Pilots and Pilot Regula-

tions for Humboldt Bay and Bar;

Also, Senate Bill, No. 158, An Act for the Adjustment and Final Settlement of the Indebtedness of Del Norte County to Klamath County;

Also, Senate Bill, No. 144, An Act fixing the Time for Holding the County Court and Court of Sessions in the County of Del Norte.

JOHN G. DOWNEY.

Governor.

INTRODUCTION OF BILLS.

Mr. Dent, by leave, introduced a bill for an act entitled An Act to incorporate the San Joaquin Valley Agricultural Society.

Read first and second times and referred to the Judiciary Committee. Mr. Redman, pursuant to notice, introduced a bill for an act entitled An Act in relation to "Lobbying" and "Log-Rolling," and to declare the same a Misdemeanor.

Read first and second times and referred to the Judiciary Committee. Mr. Sharp, by leave, introduced a bill for an act entitled An Act to make Valid and Effectual Conveyances of Real Estate executed by a person or persons as Attorney or Attorneys in fact of a Husband and Wife.

Read first and second times and referred to the Judiciary Committee. Mr. Watkins, by leave, introduced a bill for an act entitled An Act to provide for the Codification of the Laws of this State.

Read first and second times and referred to the Judiciary Committee. On motion of Mr. O'Farrell, the rules were suspended and Assembly Bill, No. 78, An Act to Extend the Time for the Collection of Taxes in Mendocino County, was taken from the table, and read a third time and passed.

Mr. Wheeler, Chairman of the Commiteee on Internal Improvements, made the following report:

Mr. President: -The Committee on Internal Improvements, to whom was referred Senate Bill, No. 141, An Act to authorize certain Counties therein named to retain certain Taxes for Road Purposes, have had the same under consideration, and hereby report it back and recommend its passage, with the following amendments:

Amend sections ninth and tenth by filling blanks in the fourth line by

the insertion of the words "ten thousand."

Also, amend section eleventh, by adding the following words:

Provided, that such compensation shall not exceed the sum of six dollars per day, during the time such Superintendent is actually employed, which time shall be ascertained by the sworn statement of the Superintendent, produced before the Board of Supervisors; and provided, further, that the advertisement for bids, as provided in section two of this act, so far as the same relates to Yuba County, shall be published in two newspapers printed in said county of Yuba for at least twenty days; and, so far as the same relates to Sierra County, shall be published in the newspapers printed in said county of Sierra, for at least twenty days.

E. D. WHEELER,

Chairman.

Placed on file. President pro tem. in the Chair.

SPECIAL ORDER.

Senate Bill, No. 103, An Act for the Erection of a Building for a State Reform School, and for the Regulation of the same-was read a third

The question being on the passage of the bill, the ayes and noes were

demanded by Messrs. Wheeler, Parks, and Bradley, and taken with the following result: Ayes, 13-noes, 15:

AYES-Messrs. Ballou, Clark, Chase, Dent, Franklin, Kirkpatrick, Mc-Donald, Merritt, Parker, Peachy, Titus, Vance, and Wheeler-13.

Noes-Messrs. Anderson, Bradley, Crittenden, De la Guerra, Denver, Dickinson, Eagon, Haynes, Lansing, Leet, Logan, O'Farrell, Parks, Pico, and Watson-15.

So the bill was lost.

Mr. Parker gave notice that, on to-morrow, he would move for a reconsideration of the vote just taken.

FURTHER SPECIAL ORDER.

Resolution, Relative to indexing Journals.

On motion of Mr. Eagon, the vote taken on yesterday, whereby a resolution was passed, authorizing the Controller of State to draw his warrant, in favor of D. J. Williamson, for three hundred and fifty dollars for making an index for the Senate and Assembly books, was reconsidered and the whole subject matter referred to a Special Committee of three.

Mr. Watson moved to reconsider the vote whereby Senate Bill, No. 107, An Act Appropriating Moneys for the Benefit of the Ladies' Sea-

men's Friend Society of San Francisco was passed.

Mr. Peachy moved to indefinitely postpone the motion to reconsider. Carried.

REPORTS.

Mr. Edgerton, of the Tenth Senatorial District, made the following report:

Mr. President:—The undersigned, to whom was referred Senate Bill, No. 201, entitled An Act to Fix the Compensation of the Auditor of Napa County, has had the same under consideration, and reports the same back recommending its passage.

H. EDGERTON,

Senator Tenth District.

Placed on file.

On motion of Mr. Edgerton the rules were suspended, and the bill just

reported considered engrossed, read a third time, and passed.

On motion of Mr. Parks, Senate Bill, No. 140, An Act for the Reclama-tion and Sale of the Swamp and Overflowed Lands of this State, was taken from the table and made the special order for Tuesday, March thirteenth, at twelve, M.

Mr. Bradley, of Committee on Military Affairs, made the following

report:

Mr. President:—The Committee on Military Affairs, to whom was referred Senate Resolution, passed February sixteenth, one thousand eight hundred and sixty, requiring said committee to examine the vouchers of the Board of Examiners, created by "An Act amendatory of 'An Act authorizing the Treasurer of State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties of this State," approved April twenty-fifth, one thousand eight hundred and fifty-seven, approved April seventh, one thousand eight hundred and fifty-nine, and to report upon the accounts issued to the different counties or localities referred to in said act, beg leave to report, that they have examined vouchers on file in the Treasurer's office, upon which bonds have been issued, and present herewith an abstract, showing the amounts appropriated, and the amounts for which bonds have been issued.

The following are the amounts allowed by the Board of Examiners of War Claims, acting under acts of April twenty-fifth, one thousand eight hundred and fifty-seven, March thirtieth, one thousand eight hundred and fifty-eight, and April seventh, one thousand eight hundred and fifty-

nine:

Counties.	Amount.
Siskiyou County	\$203,760 48
Klamath and IÏumboldt Counties	12,732 23
McDonald & Jones, Commissioners Nevada County	6,000 00
Sutter County	3,710 00
Shasta County	7,013 64
Total allowed up to February 14th, 1860	

The following are the appropriations made to the different counties by the act approved April seventh, one thousand eight hundred and fiftynine, making changes of appropriations made by previous acts:

Counties.	Amount.
Siskiyou County	\$209,000 00
Humboldt, Klamath, and Del Norte Counties	
Tulare County	10,000 00
Sutter County	5,000 00
San Bernardino County	1,000 00
Nevada County	15,000 00
Los Angeles County	
Yuba County	15,000 00
Shasta County	10,000 00
Napa and Yolo Counties	
El Dorado County	10,000 00
Trinity County	15,000 00
Total appropriations	\$440,000 00

All of which is respectfully submitted.

ANDRES PICO, Chairman.

Placed on file.

On motion of Mr. Denver, Senate Bill, No. 141, An Act to authorize certain Counties to retain the State's portion of the Poll-Tax, less that portion authorized by law to be paid into the General School Fund, and the State's portion of the Foreign Miners' License Tax which shall be collected in the said counties for the year one thousand eight hundred and sixty-one, to be applied to the Construction and Improvement of certain Wagon Roads over the Sierra Nevada, was made the special order for Wednesday, March fourteenth, at twelve, M.

On motion of Mr. Edgerton, Senate Bill, No. 186, An Act to Facilitate the Establishment of Telegraphic Communication between California and the Atlantic States, was made the special order for to-morrow, at 12, M.

Mr. Haynes, by leave, introduced a bill for an act entitled An Act con-

cerning Roads and Highways in Siskiyou County.

Read first and second times.

On motion of Mr. Haynes, the rules were suspended, the bill considered engrossed, read a third time and passed.

The Forty-Fifth Standing Rule of the Senate was suspended, and the

bill transmitted to the Assembly.

On motion of Mr. Bradley, Assembly Bill, No. 15, An Act granting the Privilege to run a Steam Ferry Boat between Vallejo and Mare Island to Edward Lougon and Thomas Thornton, their Successors and Assigns, was taken from file, and made the special order for Thursday, March

fifteenth, at twelve, M.

On motion of Mr. Vance, the rules were suspended, and Senate Bill, No. 187, An Act authorizing the County of Butte to purchase and hold Two Hundred Thousand Dollars of the First Mortgage Bonds of the California Railroad Company, and to issue the Bonds of said County for the payment of the same, and for other purposes connected therewith, was taken up, read a third time and passed.

The Forty-Fifth Standing Rule of the Senate was suspended, and the

bill transmitted to the Assembly.

Mr. Anderson moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Quinn, Franklin, and Anderson, and taken with the following result: Ayes, 12—noes, 10:

AYES-Messrs. Anderson, Bradley, Ballon, Chase, Dent, Franklin, Lansing, McDonald, O'Farrell, Pico, Quinn, and Wheeler-12.

Noes-Messrs, Haynes, Leet, Logan, Parker, Parks, Phelps, Redman, Ryan, Vance, and Watson-10.

So the Senate adjourned.

C. J. LANSING,

President pro tem. of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Saturday, March 10, 1860.

Senate met pursuant to adjournment. President pro tem. in the Chair.

Roll called.

No quorum present.

Mr. Parks moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Ballou, Chase, Crittenden, De la Guerra, Dent, Denver, Dickinson, Eagon, Leet, McDonald, O'Farrell, Parker, Peachy, Phelps, Pico, Ryan, Sharp, Vance, and Watkins.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Denver, appearing at the bar of the Senate, was admitted. Mr. Edgerton, appearing at the bar of the Senate, was admitted. Mr. Crittenden, appearing at the bar of the Senate, was admitted. Mr. Logan moved that further proceedings under the call of the Senate

be dispensed with.

Carried.

Journal of yesterday read and approved.

Mr. Anderson asked and obtained leave of absence for Mr. Peachy, for two days.

Mr. Parker asked and obtained leave of absence for Mr. Phelps, for

two days.

Mr. Crittenden asked and obtained leave of absence for Mr. Sharp, for two days.

Mr. Vance presented a petition from citizens of Butte County, Relative

to a Sheep Law.

Referred to the Committee on Agriculture.

Mr. Bradley presented a memorial from citizens of Calaveras County, praying for the removal of the remainder of the Alvino tribe of Indians. Referred to the Committee on Indian Affairs.

REPORTS.

Mr. Parks, of Enrolling Committee, made the following report:

Mr. PRESIDENT: - The Committee on Enrollment have examined Senate Bill, No. 12, An Act extending the privileges of the Homestead Law to certain Persons and to regulate the creation of the same;

Also, Senate Bill, No. 181, An Act concerning the Government of the City of Marysville;

Also, Senate Bill, No, 66, An Act to prohibit the Burning of Bricks within certain limits in the City and County of San Francisco, and have found the same correctly enrolled, and have this day taken the same to the Governor.

W. H. PARKS,

For the Committee.

Report accepted.

Mr. Logan, of Committee on Engrossed Bills, made the following report:

Mr. President:-The Committee on Engrossed Bills have examined Senate Bill, No. 201, An Act to fix the Compensation of the Auditor of Napa County, and find the same correctly engrossed.

LOGAN,

For the Committee.

Report accepted.

Mr. Bradley, of Committee on Claims, made the following report:

Mr. PRESIDENT:—The Committee on Chinas having had under consideration certain Bills, which were reterred to them, bog leave to report as follows:

Secure Bill, No. 11. An Act to appropriate Money for the payment of

certain Chins-an i recommend its ilssage:

Also, Assembly Bill, No. 14, An Act to pay Mary Harrison for services rendered at the State Insate Asymptoment recommend his pass go;

Also, Senate Bill, No. 179. As Act to Avilit the Chine of William D. Kirk—and recommend its indefinite postpone mout, the same claim having been an fited and allowed at the session of one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 177. An Act for the Relief of Benj, F. Marshall,

Also, Separe Bill, No. 177, An Act for the Relief of Benj, F. Marshall, late Sheriff of Calaveras County—with a substitute, and recommend the

passage of the substitute.

B. T. BRADLEY,

For the Committee.

Placed on file.

Mr Wheeler. Chairman of Committee on Internal Improvements, made the following report:

Mr. President:—The Committee on Internal Improvements, to whom was referred Senate Bill, No. 186, An A to amend An Act to authorize the Counties of the State of California to become Stockholders in Railroad Companies," approved April sixteenth, one thousand eight hundred and fifty-nine, have a bad the same or let a neighbor in, hereby report it back, and recommend its passage without amendment.

E. D. WHEELER,

Chairman.

Placed on file.

Mr. Haynes, of the Twelfth Senatorial District, made the following report:

Mr. President—The delegation from the Twelfth Senatorial District, to whom was referred Assembly Bill. No. 25% entitled An Act concerning the Office of Assessor i'r Klainath Curry, having had the same under consideration, recommends that the same be passed, with the following amendment:

Amen't the first line of section one by striking out "Thomas A. Rector," and inserting "Thomas H. Rector."

J. P. HAYNES,

Senator from the Twelfth Senatorial District.

Placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

March 10, 1860.

Mr. Parsment:—The Asserbly, on the eighth instant, passed Assembly Bill. No. 116. As Act for the payment of Expenses incurred in the suppression of Indian Hostilities in certain Counties of this State;

Also, solutions for Assembly Bills. Nos. 49 and see An Act to provide for the Publication of General Laws of this State in force at the Expiration of the Eleventh Section of the Legislature;

Also, on the seventh instant, passed Senate Bill, No. 88, An Act appro-

priating Moneys for the benefit of the San Francisco Ladies' Protection and Relief Society;

Also, on the ninth instant, Assembly Bill, No. 223, An Act to amend an Act entitled "An Act to regulate the Estates of Deceased Persons," ap-

proved May first, one thousand eight hundred and fifty-one;

Also, Assembly Bill, No. 207, An Act amendatory of an Act entitled "An Act to provide for the Appointment and prescribe the Duties of Guardians," passed April nineteenth, one thousand eight hundred and fifty.

R. K. WESTON,
Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 116, An Act for the payment of Expenses incurred in the suppression of Indian Hostilities in certain Counties of this State—was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 88, An Act to provide for the Publication of the General Laws of this State in force at the expiration of the Eleventh Session of the Legislature—was read first and second times, and referred

to the Judiciary Committee.

Assembly Bill, No. 223, An Act to amend an Act entitled "An Act to regulate the Estates of Deceased Persons," approved May first, one thousand eight hundred and fifty-one—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 207, An Act amendatory of an Act entitled "An Act to provide for the Appointment and prescribe the Duties of Guardians," passed April nineteenth, one thousand eight hundred and fifty—was read first and second times, and referred to the Judiciary Committee.

REPORT.

Mr. Bradley, of Committee on Claims, made the following report:

Mr. President:—The Committee on Claims, to whom was referred Assembly Bill, No. 61, An Act to appropriate Money to pay R. Augustus Thompson and Ferris Forman for services rendered and expenses incurred as Commissioners from the State of California to the President of the United States, in the year one thousand eight hundred and fifty-six, in reporting favorably to this claim, deem it proper to give in brief the reasons for the conclusions to which they have arrived. The history of this claim is part of the history of the country. In one thousand eight hundred and fifty-six, an organization existed in San Francisco, styled "The Vigilance Committee," which openly set the laws at defiance. To meet and quiet the insurrection the then Governor called upon the State forces at his disposal, but without effect.

The means resorted to for that purpose, and the discretion used by the Governor, we do not now propose to discuss—suffice it to say that they were constitutional powers, and whether exercised discreetly or not could

not compromise the claims of parties acting under his orders.

After exhausting all the power of the State proper, the Executive, in his discretion, deemed it his duty, under the constitution, to invoke the aid of the General Government, and for that purpose he appointed R. Augustus Thompson and Ferris Forman, as Commissioners, to proceed to Washington to procure the assistance of the General Government in this emergency.

In what manner they discharged the duties of their mission is a matter of history, suffice it to say that their conduct met the approbation of the

appointing power.

The above named gentlemen, accordingly proceeded on their mission, under the promise of the Governor that they should be properly compensated, and, although nearly four years have clapsed since that time, they have failed to receive any remuneration for their time, or the extraordinary expenses to which they were put in consequence thereof.

The Constitution of the State requires that the Governor shall see that the laws are faithfully executed, and in case of insurrection in a State, the Constitution of the United States imposes upon the General Government the duty of rendering aid and assistance to such State, upon requisition made. The Governor was, therefore, compelled to pursue the very course adopted, all other means having proved fruitless.

It has been objected to this claim that the application to the President might have been made direct by letter, or through our Senators and

Representatives.

To this we reply that this was a matter of discretion with the Gov-

ernor under the Constitution.

But we are not left without precedent in this matter. In the "Dorr Rebellion," in Rhode Island, the Governor of that State invoked the aid of the General Government, and first sent three Commissioners, and afterward added two to the commission, and that, two, while Congress was in session.

Another objection is made purporting to be derived from the opinion of the Attorney-General of the United States, to-wit: the want of authority on the part of the Governor to make the requisition. On examination of that opinion, it will appear that the Attorney-General arrives at no such conclusion. The only conclusion arrived at in that opinion was that the Governor's application was informal, and, therefore, could not be complied with. As before shown, the Governor, in his discretion, had power to appoint Commissioners for that purpose, and it would have been absurd on the part of the Attorney-General to have arrived at any contrary conclusion.

It is further objected to this claim, that under the eighth article of the Constitution, and the recent decisions of the Supreme Court, the Legislature is, in the present financial condition of the State, prohibited from creating any further debt or liability, except in the manner prescribed in the article. This objection would certainly be entitled to great consideration if the appropriation asked for was for the purpose of defraying any customary expenses of the government; but on examination of that clause of the Constitution, it will be seen that liabilities contracted in time of war, to repel invasion, or to suppress insurrection, are specially excepted from its operation.

It is proved before the committee, that the claimants have never received any compensation, and we are satisfied that the sum contained in the bill will scarcely compensate them for their time, trouble, and ex-

pense, attendant upon their mission.

We, therefore, recommend this bill to the favorable consideration of the Senate, believing the claim to be legal and just, and recommend its passage.

B. T. BRADLEY,

For the Committee.

Placed on file.

Mr. Watson, Chairman of the Committee on Federal Relations, made the following report:

Mr. President:—The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution, No. 18, Relative to the segregation of the southern portion of this State, report on the same favorably and recommend its passage without amendment.

JOHN H. WATSON,

Chairman.

Placed on file.

Mr. Bradley offered the following resolution:

Resolved, By the Senate, that the Clerk and Sergeant-at-Arms of the Joint Capital Committee be allowed each one week's pay, at the rate of eight dollars per day, and mileage to the amount of forty-six dollars, to be paid out of the Contingent Fund of the Senate, and that the Controller be authorized to draw his warrant for the same.

Mr. Titus moved to indefinitely postpone the resolution.

Upon which the ayes and noes were demanded by Messrs. Wheeler, Quinn, and Redman, and taken with the following result: Ayes, 17—noes, 9:

AYES-Messrs. Anderson, Ballou, Chase, Crittenden, Dent, Denver, Edgerton, Franklin, Kirkpatrick, Leet, Logan, Parks, Quinn, Redman, Ryan, Titus, and Wheeler-17.

Nors-Messrs. Bradley, Clark, Eagon, Haynes, Lansing, McDonald,

O'Farrell, Vance, and Watson-9.

So the resolution was indefinitely postponed.

Mr. Kirkpatrick gave notice that on Monday he would move for a reconsideration of the vote just taken.

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 186, An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States—was taken up.

On motion of Mr. Edgerton, was made the special order for Saturday, March seventeenth, one thousand eight hundred and sixty, at twelve, M.,

and the usual number of copies ordered printed.

Mr. Parks moved to reconsider the vote whereby Senate Bill, No. 103, An Act for the erection of a Building for a State Reform School, and for the Regulation of the same, was lost on yesterday.

Upon which the ayes and noes were demanded by Messrs. Quinn, Denver, and Parks, and taken with the following result: Ayes, 16—noes, 9:

AYES—Messrs. Ballou, Clark, Chase, Edgerton, Franklin, Haynes, Kirkpatrick, McDonald, O'Farrell, Parker, Parks, Redman, Ryan, Titus, Vance, and Wheeler—16.

Noes-Messrs. Anderson, Bradley, Crittenden, De la Guerra, Denver,

Eagon, Lansing, Leet, and Watson-9.

So the vote was reconsidered. The question being on its passageOn motion of Mr. Clark, it was made the special order for Friday, March sixteenth, at twelve, M.

Mr. De la Guerra asked and obtained leave of absence for Mr. Pico for two days.

Mr. Bradley asked and obtained leave of absence for Mr. Watkins for

two days.

On motion of Mr. Vance, the rules were suspended, and Assembly Bill, No. 129, An Act to amend "An Act amendatory of 'An Act concerning Roads and Highways,'" passed April nineteenth, one thousand eight hundred and fifty-six, and to make applicable in so far as the Counties of Trinity and Butte are concerned, was taken from the file, considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, bill read a third time, and passed.

Mr. Edgerton asked and obtained leave of absence for himself for one

day.

On motion of Mr. Redman, the rules were suspended and Assembly Bill, No. 83, An Act concerning Roads and Highways in the Counties of Alameda and Santa Clara, was taken from file, considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, bill read a third time and passed.

On motion of Mr. Edgerton, Assembly Bill, No. 41, An Act supplemental to an Act entitled "An Act to repeal the several Acts incorporating the City of Benicia, and to provide for the Government thereof," approved April eighteenth, one thousand eight hundred and fifty-nine, was taken from file and considered in Committee of the Whole.

IN SENATE.

1

Read a third time and passed.

REPORTS.

Mr. McDonald, Chairman of the Committee on State Prison and Public Buildings, made the following report:

Mr. President:—The Joint Committe, consisting of the Standing Committee of the Senate and Standing Committee of the Assembly on the State Prison, under the authority and by the directions of Concurrent Resolution, No. 15, a copy of said resolution, which reads as follows:

Resolved, By the Assembly, the Senate concurring, that the Standing Committee of the Assembly on the State Prison and the Standing Committee of the Senate on State Prison and Public Buildings, acting in Joint Committee, be authorized, empowered, and instructed, to visit, at their earliest convenience, the State prison, to investigate the condition of said prison, to confer with the sub-lessee thereof, with a view to an amicable adjustment of all accounts and differences and the final relinquishment of the management and control of said prison by said lessee to the State; that they be authorized to send for persons and papers, and that said committee report such recommendations to the Senate and Assembly as to them may seem proper and right in the premises.

I certify that the foregoing resolution passed the Assembly January nineteenth, one thousand eight hundred and sixty.

This January twenty-third, one thousand eight hundred and sixty.

J. M. ANDERSON,

Clerk of Assembly.

Have visited the State prison located at Point San Quentin, in the county of Marin, and have examined together the prison, prison grounds, buildings, improvements, personal property, and prisoners, belonging to the prison, and books and papers relating thereto, and the transactions of the officers in charge, beg leave to report:

The committee do not deem it inappropriate, considering the degree of public attention this subject is attracting, to briefly recapitulate the leading facts connected with the history and the establishment of this insti-

tution.

The first Legislature that assembled at San José had neither leisure nor resources to devise any suitable scheme for the safe-keeping of convicts.

They had to improvise a whole State polity, under circumstances of unexampled difficulties. The organic law yet lay in Congress awaiting action, and the most earnest proffers of the plighted faith of the young sovereignty found but little favor among capitalists. It was, therefore, with a true sense of relief that they hailed sundry proposals of individuals and municipalities, tendering ways and means sufficient to meet this and other State emergencies, in consideration of a specific and permanent location of the capital.

Among these proposals one appeared peculiarly liberal. It was the offer of Hon. M. G. Vallejo to convey a considerable tract of land, and to donate the sum of three hundred and seventy thousand dollars. This offer embraced a specific one of twenty acres of land and twenty-thou-

sand dollars for a State prison.

Wherefore, after passing laws to consult the popular voice as to the location of the seat of government, and to commit the temporary custody of convicts to the counties, they adjourned, leaving the difficult task

to their successors.

In obedience to the popular vote, the Legislature of one thousand eight hundred and fifty-one declared the seat of government to be permenently located at Vallejo. The necessity of erecting a State prison was now manifest; but still more manifest was the difficulty of the enterprise by a State without money, and almost without credit. At this embarrassing juncture a new proposal was made by the same individual. He offered to expend the twenty thousand dollars formerly tendered by him in the purchase of hulks, and other temporary accommodation for convicts until the State should be able to creet a suitable edifice; to pay all necessary officers connected with the prison, to clothe, guard, and subsist the convicts, and pay all rewards for the apprehension if any should escape.

The Committee on State Prisons reported that the proposition was munificent. Indeed, no other consideration was asked than the proceeds of the convicts' labor. Accordingly, the "Act for securing the State Prison Convicts," was passed April twenty-fifth, one thousand eight hundred and fifty-one, leasing for the term of ten years, to Mariano G. Vallejo and James M. Estill, the prison, prison grounds, and labor of con-

victs.

In the next following year Vallejo was released from all liabilities as lessee, and the whole estate under the lessee vested in Estill. Up to the

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hundred and fifty-five, which operated to cancel the lease, and place the management of the prison wholly in the hands of the State. This act also provided for the building of a wall around the building. The lessee attempted no resistance, and soon after the passage of the act relinquished his lease by a document to that effect, reserving only a claim for indem-

nity.

On the -- day of June, of the same year, the prison buildings, grounds, and inmates, were turned over to the Board of State Directors, and before the Governor's Message of the following year, a wall had been erected around the State Prison. The accommodations were now considered by the Executive quite sufficient to confine and safely keep one thousand convicts, four hundred and twenty-seven convicts being actually confined in the prison on the thirty-first day of December, one thousand eight hundred and fifty-five. From the first day of January, one thousand eight hundred and fifty-six, to the twenty-sixth day of March, of the same year, the affairs and management of the prison were under the supervision of a Board of State Prison Directors, elected by the people. This period was marked by such extravagant expenditures, the cost to the State for maintaining to upwards of twenty thousand dollars per month, that as a refuge from such a heavy burden, it was determined as a matter of economy to lease it out again, and an act was passed creating a Board of State Prison Commissioners and defining their duties. This title conveyed but a faint impression of the serious nature of the provisions enacted. The act repeals the act of one thousand eight hundred and fifty-one, and abolishes future Prison Directors, and repeals all the conflicting parts of the act of one thousand eight hundred and fifty-five. It constitutes the Lieutenant-Governor, Controller and Treasurer, a Board of Commissioners, and makes it their duty to lease the prison buildings, grounds and convict labor, for the term of five years, at a price to be paid to the lessee, that should not exceed fifteen thousand dollars per

The bill for this act was introduced March first, passed the Assembly on the eleventh by a vote of sixty-three to four, was then and there considered engrossed, passed the Senate on the fourteenth, and received the approval of the Executive on the twenty-first, (a special message of con-

siderable interest being sent in to convey notice of its approval.)

Accordingly, on the twenty-sixth day of March, (five days afterward,) a lease was executed to James M. Estill, his heirs and assigns, for five years, at ten thousand dollars per month. (See Appendix Senate Journals of one thousand eight hundred and fifty-six.) What induced the Legislature to make so hasty and total revolution in the system is apparent from official documents of that year. (Vide Senate and Assembly Journals and Appendixes of one thousand eight hundred and fifty-six.) Governor Bigler's farewell message congratulated the Legislature on the cheap and efficient working of the plan then in force; but the reports of the committees took a very different ground-it was, they said, much more expensive. But a careful scrutiny of the data will show that they confounded extraordinary expenses with necessary and current ones. The expense of the wall alone entered for one-half. Beside, the authorities had taken upon themselves to draw warrants for about fifty thousand dollars for the difference between cash and warrants. This was an unwarrantable proceeding, but the Legislature confounded the abuse of the system with the system itself. The plan was good enough, but the persons in charge of carrying it out were not under sufficient check. On the fifteenth May, one thousand eight hundred and fifty-seven, Estill sub

let the prison, grounds, etc., to John F. McCauley, (see Appendix Journals of one thousand eight hundred and fifty-seven,) who continued in possession up to the first day of March, one thousand eight hundred and fifty-eight, when, under an act passed the twenty-sixth February, one thousand eight hundred and fifty-eight, the Governor took possession of the prison grounds, prison, property, and convicts. McCauley, as sublessee, received his pay at the rate of ten thousand dollars per month, up to the first day of January, one thousand eight hundred and fifty-eight, when the Board of Examiners under an act of one thousand eight hundred and fifty-six, refused to audit any claim of Estill or his lessee for

The sub-lessee estimates his improvements at the prison to amount to sixty-nine thousand and thirty-three dollars and ninety-six cents, (see Assembly Journal, Tenth Session, page 682,) also, since the thirteenth of May, one thousand eight hundred and fifty-nine, to amount to one thousand eight hundred and seven dollars. The State retained possession of the prison, prison property, etc., until May thirteenth, one thousand eight hundred and fifty-nine, when by an operation of a decision of the Supreme Court, was reinstated. The estimated improvements made from March first, one thousand eight hundred and fifty-nine, as per Director's Report, February first, one thousand eight hundred and fifty-nine, and Report of the Senate Investigating Committee, of the Tenth Session, at ninety-three thousand seven hundred and thirty-one dollars and forty cents.

The committee arrived at the prison on the twenty-third January, and, on motion of Mr. Ryan, Mr. Sawyer was appointed Chairman of the Joint Committee. Before entering upon their duties of investigating the affairs of the prison, the Joint Committee was divided into four sub-committees,

consisting of the following:

First—A Committee on Books, Commitments and Escapes of Convicts, consisting of Messrs. Henry, Lovel and Vance. (See Exhibit marked "A."

Second—A Committee on Workshops, Cells, Hospitals and Treatment of Prisoners, consisting of Messrs. De la Guerra, Leet, and Lewis. (See

Exhibit marked "B.")

Third—A committee to examine the property outside the wall, consisting of Messrs. Hayes, Howe, and Babcock. (See Exhibit marked "C.")

Fourth—A Conference Committee, consisting of Messrs. Ryan, Dent, Parker, McDonald, Parks, and Sawyer.

After making such investigations as the committee deemed were called for by the Concurrent Resolution, the results of which are shown in the reports of the sub-committees, which are hereunto attached, and which are made a part of this report, the committees returned to Sacramento.

After various conferences held by the Joint Committee, on the part of the State, and A. P. Crittenden, as Attorney and representative of McCauley and Tevis, it was finally determined by a majority of the committee to report a bill, which accompanies this report, and is hereunto attached and made a part thereof, and that said majority recommend to the Legislature the passage of said bill.

F. A. SAWYER,
Chairman Joint Committee on State Prison and Buildings.
EDWIN A. RIGG,
Clerk.

We, the undersigned, although agreeing in the general recommendations of the following report, beg leave to dissent from the amount of the appropriation specified in the bill therewith presented.

S. W. LOVELL,

S. W. LOVELL, SAMUEL LEWIS, S. T. LEET, J. M. McDONALD, H. HAYES.

SAN QUENTIN, January 24, 1360.

Mr. Chairman:—The committee to whom was referred the subjects of commitments, statistical reports, etc., of the State Prison, have considered the same, and beg leave to submit documents marked from one to ten, inclusive, as our report. Document, No. 9 being included with this report,

we present as follows:

Whole number of prisoners at this date, five hundred and thirty-eight; in the prison, trustys, etc., five hundred and eleven; on the schooner William Hicks, twenty-four; at Shepherd's, two; at Captain Simms, one. Of these there were males, five hundred and thirty-seven; females, one. The tables herewith submitted, give full statistical reports of the State Prison on January first, one thousand eight hundred and sixty.

Respectfully submitted.

B. M. HENRY, S. W. LOVELL, J. M. VANCE.

Table No. 1—shows the number of prisoners received during the year one thousand eight hundred and fifty-nine, two hundred and seventy; discharged, two hundred and ninety-nine; number in the prison December thirty-first, one thousand eight hundred and fifty-nine, five hundred

and fifty-three.

Table No. 2—shows that of the number in the prison two hundred and eighty-two were incarcerated for grand larceny; for burglary, thirty-eight; murder, second degree, forty-one; murder, first degree, ten; assault to murder, thirty-seven; manslaughter, twenty-three; robbery, thirty-five; rape, nine; assault to rape, twelve; assault with deadly

weapon, eleven; and the balance for other crimes.

Table No. 3—shows number of prisoners from San Francisco, ninetysix; Sacramento, seventy-five; Calaveras, thirty-one; Butte, twenty-seven; Yuba, twenty-nine; Los Angeles, twenty-eight; Tuolumne, twenty-seven; Nevada, nineteen; San Joaquin, nineteen; Placer, seventeen; Santa Clara, seventeen; El Dorado, twelve; Mariposa, fourteen; Amador, fifteen; Sonoma, twelve; Contra Costa, ten; and smaller numbers from other counties.

Table No. 4.—Imprisoned for life, nine; twenty years and upwards, fifteen; fifteen to twenty years, four; ten to fifteen years, thirty; seven to ten years, one hundred and four; five to seven years, thirty-eight; five years, eighty-nine; four to five years, forty-three; three to four years, eighty; two to three years, seventy-five; one to two years, sixty-three; under one year, three.

Table No. 5.—Prisoners aged under twenty years, thirty-eight; twenty to twenty-five years, two hundred and seventeen; twenty-five to thirty

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years, one hundred and sixty-four; thirty to thirty-five years, sixty; thirty-five to forty years, forty-one; forty to fifty years, twenty-six; fifty

years and upwards, seven.

Table No. 6.—Nativity of prisoners: Ireland, sixty-two; New York, forty-four; Pennsylvania, twenty-eight; China, thirty-three; Germany, twenty-five; England, twenty-nine; California, forty-two; Mexico, fifty-three; Kentucky, twenty; Massachusetts, fourteen; Illinois, thirteen; Missouri, thirteen; Ohio, cleven; Virginia, fourteen; British America, cleven; France, cleven; Chili, fourteen; other countries and States eight, and less each.

Table No. 7.—Former occupations: Laborers, two hundred and forty-six; sailors, forty-three; farmers, thirty-two; cooks, twenty-five; carpenters, twenty-two; miners, sixteen; vaqueros, fourteen; shocmakers, fourteen; blacksmiths, thirteen; other occupations, less than ten each.

The largest number in the prison at one time in one thousand eight hundred and fifty-nine, was, April first, five hundred and ninety-five; one hundred and sixty are to be discharged during the year one thousand

eight hundred and sixty.

Your Special Committee of the Joint Committee of both Houses on State Prison, visiting the same, consisting of Messrs. De la Guerra, Leet, and Lewis, make the following report:

Your Special Committee have visited all that portion of the State prison within the walls, and find that every apartment is well arranged and kept clean and in good order; the prisoners are well clothed and fed, and humanely treated. The hospital, under the superintendence of Doctor Campbell, we find inadequate for the accommodation of the sick, but when the improvements are finished which are now being made, they will receive every attention and comfort which could be expected within a prison. We believe that proper diet for the sick has not been provided by the lessee of the prison.

For further information on this subject we submit to the Joint Committee the report marked "A," of the Resident Physician of the prison. We also find the prisoners confined in cells and rooms containing from four to forty-two in each apartment, and represent to the committee the necessity of the crection of more prison buildings, so as to give a separate cell to each prisoner, which we regard as the only means by which the keeper can establish proper prison discipline, and prevent the commission of crimes which are revolting to nature. In conclusion, we regard the State prison, with the present accommodations and management, a school for crime rather than a place of reform and punishment.

All of which is respectfully submitted.

PABLO DE LA GUERRA, S. T. LEET, SAMUEL LEWIS,

Special Committee of Joint Committee on State Prison.

To the General Committee on State Prison, etc.:

The undersigned, a special sub-committee appointed to investigate certain matters touching the inquiry upon which you were appointed, beg leave to report:

That we examined the different posts, built of brick, which command

the State prison buildings and grounds, designated as follows:

At Post No. 1—One brass six-pounder in good order, and ammunition sufficient to fire twenty-one rounds. Three guards are stationed here, equipped with rifles and revolvers.

At the post designated "The Mounted Post," there are stationed three

guards, with horses and side arms.

At Post No. 2-Three guards are stationed, equipped with rifles and revolvers.

At Post No. 3—Three guards are stationed at this post, with a mountain howitzer, with twenty-six rounds of ammunition, also armed with rifles and revolvers.

At Post No. 4—One guard is stationed, equipped with rifle and revolver. This post is at the easterly end of the prison grounds, between the boat-

landing and the prison building.

At Post No. 5—We find here one nine-pounder, with ammunition to fire eighteen rounds. This post commands the brick-yard, and the location where the prisoners were fired upon at the last emeute. Three guards are also stationed here, equipped with rifles and revolvers.

The whole number of guards and attachés at the State prison, inclusive of the Superintendent, is thirty. There are also two captains of boats (transports.) and three guards, detailed for boat service, not inclu-

ded in the above number.

On examination of the Commissary Department, we found on hand one thousand pairs of blankets, one hundred thousand pounds of beans, eight hundred barrels of flour, four bales shirting, ten thousand pounds prime corned beef, eight thousand seven hundred pounds bacon, all of superior quality.

All of which we respectfully submit.

H. HAYES, J. BABCOCK, ROBERT HOWE.

Report of the Sub-Committee of the Joint Committee of the Senate and Assembly, relative to the claims of ownership by John Center, of certain Real and Personal Property at State Prison:

Mr. President:—Your sub-committee report that they have carefully examined the subject and heard the testimony of witnesses and documents, and submit the same herewith together with the opinion of the Attorney-General, which was furnished to us at our request. The facts

are simple and clear, and may be briefly stated as follows:

The State bought the tract of land claimed by Mr. Center, of Archibald Wood, deceased, and received from him a quitelaim deed, executed on the third of July, one thousand eight hundred and fifty-five, but not recorded until the tenth day of July, one thousand eight hundred and fifty-five. The only title of Archibald Wood was under a quitelaim deed from the San Francisco Manufacturing Company, executed on the sixth day of July, one thousand eight hundred and fifty-four, but not recorded until the fourteenth of July, one thousand eight hundred and fifty-four. Before the conveyance to Wood, by the San Francisco Manufacturing Company, one Thomas Young commenced a suit against that company in the Twelfth Judicial District Court on the twenty-second day of June, one thousand eight hundred and fifty four, and the Sheriff of the county of Marin on the twenty-third of Jane one thousand eight hundred and fifty-four, duly levied a writ of attachment on the property described in the deed of Sheriff Stocker to John Center. That deed is recorded in the

Recorder's office in Marin County. After some litigation and delay, Young ultimately recovered a judgment and the property was sold as set forth in the deed. As the attachment was duly levied before Wood's deed was made to him, of course, the title of Center, who is the assigned of Young, and owner of the judgment and purchaser, is older and better than the State title.

Your committee respectfully refer to the report of the joint committee on State prison, to be found in the appendix to the Senate Journal of the session of one thousand eight hundred and fifty-six, and adopt the same, so far as this matter is concerned, as part of this report. During the litigation of the Young suit, and before the time for redemption had expired and the Sheriff's deed was made, the State got possession of the land, and removed large and valuable fixtures, machinery, and improvements, off the tract of land owned by Mr. Center, and greatly injured the

land by burning large kilns of brick on it.

Your committee therefore report, in their opinions, the State should obtain from Mr. Center his deed for the property referred to, and should allow to him the amount of his judgment, attachment, and costs, or such other fair and just sum as would be equity on the subject. With this report, we beg leave to file the accompanying evidence and oath of testimeny, taken by the Clerk of the committee, in our presence, and under our direction. We also respectfully refer to the opinion of the Attorney-General, whose views leave no other course to the State, other than a fair settlement of the matter, as we have recommended. We also report that Mr. Wood, when he bought from the San Francisco Manufacturing Company, had express knowledge of the attachment and lien on the Young judgment, and that before the State purchased, the same facts were made known to the Governor of the State and State officers making the purchase.

Respectfully submitted.

H. HAYES, ROBERT HOWE, JASPER BABCOCK.

Attorney-General's Office, Sacramento Feb. 2d, 1860.

To Joint Committee on State Prison matters:

I have carefully examined the testimony submitted to me in reference to the claim of John Center to certain land described in the deed of Sheriff Stocker to said Center, which land is now in the possession of John F. McCauley, who claims to be sub-lessee of the State Prison, and premises situate at Point de San Quentin, in the county of Marin: Said testimony consists mainly of ex parte affidavits, but, if true, I have no hesitation in saying that were the same, and none other, submitted to a Court of Justice, said Center would, undoubtedly, recover the lands described in said deed, and claimed by him.

In my present physical condition it is impossible for me to make a statement of the facts established by the testimony I have examined, or to give at length the reasons for the conclusion at which I have arrived I am satisfied, however, that any one who may examine this testimony

will be forced to form the same opinion.

Respectfully, etc., THOS. H. WILLIAMS.

Attorney-General.

And also introduced the following bill in connection with the same subject:

An Act to provide for the settlement of all claims against the State of California arising out of, or connected with, the contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, botween the State and the late James M. Estill, for the lease of the State Prison and convict labor, and to procure the cancellation of said contract and the surrender of the State Prison to the State.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Section 1. The Governor, Secretary of State, and State Treasurer, are hereby appointed a Board of Commissioners, with authority and power to compromise and settle with John F. McCauley and Lloyd Tevis, assignces of James M. Estill, deceased, all claims against the State of California, held by them or either of them, and arising out of, or in any manner connected with, the contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State of California, by Robert M. Anderson, Lieutenant-Governor, George W. Whitman, Controller, and Henry Bates, Treasurer of State, composing the Board of State Prison Commissioners, of the one part, and the said James M. Estill, of the other part, for a lease of the State Prison and convict labor for the term of five years.

SEC. 2. The said Commissioners shall have power to make such compromise and settlement upon the following terms and conditions and not

otherwise:

First—That the said McCauley and Tevis shall release the State from all claims and demands whatsoever for any and all sums of money due or to become due under said contract, or for any violation thereof, shall consent to the rescission and cancellation of said contract, and shall deliver up to said Commissioners for the State prison, State prison convicts, and all the property of the State known as the State prison property, in their

possession or the possession of either of them.

Second—That the said McCauley shall release John B. Weller, late Governor of the State of California, and all other persons who acted under his authority and direction, from all claims and demands whatsoever, for the taking and detention by him or them, at any time heretofore, of any property of the said McCauley, and shall also release the State from all claims and demands for property of the said McCauley, taken by the said Weller, or by any person acting under his authority, and which has not been heretofore restored to the said McCauley.

Third—That the amount to be paid to the said McCauley and Tevis upon such compromise and settlement shall not exceed the sum of two hundred and fifty thousand dollars, three-fifths of the amount which the Commissioners may agree as due Mr. McCauley shall be paid in eash,

and the remainder upon the expiration of three months.

Sec. 3. Upon any settlement being agreed upon under authority of this act, the said Commissioners are authorized to demand and receive from the State Controller, and said Controller is required to deliver to said Commissioners, his warrants, drawn upon the State Treasurer, payable to the order of said Commissioners, in such sums as may be designated by said Commissioners, not to exceed in the aggregate the sum of two hundred and fifty thousand dollars; provided, that not more than

three-fifths of said warrants shall be physible immediately, and the balance thereof shall be payable within time meanths after their date, and it shall be so expressed on their face; and the said Commissioners are authorized to indorse said warrants in blank, and upon the surrender to them of the State Prison, State prison convicts, and State prison property, and the delivery to them, by said McCauley and Tevis, of written instruments of release, good and sufficient to carry into effect the terms of the compromise, the said Commissioners are authorized to deliver said warrants to said McCauley and Tevis.

SEC. 4. The Treasurer of State is hereby directed and required to pay all warrants drawn under the provisions of this act, whenever they shall be payable and shall be presented for payment, and for the payment thereof the sum of three-fifths thereof is hereby specifically appropriated out of the general fund, and the further sum which may be agreed upon as the balance due upon a compromise, shall be paid out of any moneys in the treasury not otherwise appropriated, and which shall not have been heretofore specifically appropriated.

SEC. 5. All instruments of writing received by said Commissioners from said McCauley and Tevis shall be filed in the office of the Secretary

of State.

Sec. 6. The Board of Commissioners shall make a full and complete report in writing of all their proceedings and awards under this act, and submit the same, within ten days after the passage of this act, to both Houses of the Legislature.

SEC. 7. This act shall take effect from and after its passage.

Placed on file.

On motion of Mr. Parker, the further reading was dispensed with and the usual number of copies ordered printed.

GENERAL FILE.

Senate Bill, No. 134, An Act amendatory of, and supplementary to, an Act entitled "An Act concerning Lawful Fences,"—was read a third

time and passed.

Senate Bill, No. 144, An Act to provide for the Issuance and Payment of Bonds for expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State—was considered in Committee of the Whole.

IN SENATE.

Ordered engrossed, and read a third time, and-

On motion of Mr. Wheeler, was made the special order for Thursday, March fifteenth, at twelve, M.

INTRODUCTION OF BILLS.

Mr. Parker, by leave, introduced a bill for an act entitled An Act to provide for the payment of Copying Journals of the Senate, for the year one thousand eight hundred and fifty-five.

Read first and second times, and referred to the Committee on Claims. Mr. Redman, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act concerning Agricultural Societies," approved March twelfth, one thousand eight hundred and fitty-nine.

Read first and second times, and referred to the Committee on Agriculture.

Mr. Ballou, by leave, introduced a bill for an act entitled An Act in relation to Chinese or Mongolians working in the Mines of this State.

Read first and second times, and referred to the Committee on Mines

and Mining Interests.

The Chair appointed Messrs. Eagon, Clark, and Parks, as Special Committee, to consider the resolution Relative to Indexing the Senate and

Assembly Books.

On motion of Mr. Parker, the rules were suspended, and Senate Bill, No. 182, An Act to amend an Act entitled "An Act to authorize Charles J. Collins, his Associates and Assigns, to Build a Wharf at or near Point Colberg, in Solano County," passed April twenty-first, one thousand eight hundred and fifty seven—was taken from the file and considered in Committee of the Whole.

IN SENATE.

Rules further suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Kirkpatrick the Senate adjourned.

C. J. LANSING.

President pro tem. of the Senate.

Attest: J. R. BEARD, Secretary of Senate.

IN SENATE.

SENATE CHAMBER, Monday, March 12, 1860.

Senate met pursuant to adjournment. President pro tem. in the Chair.

Roll called.

No quorum present.

Mr. Logan moved a call of the Senate.

Roll called.

Absent-Messrs. Ballou, Clark, Leet, O'Farrell, Quinn, Vance, Watkins, and Watson.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Phelps moved that further proceedings under the call be dispensed with.

Carried.

Mr. Anderson asked and obtained leave of absence for Mr. Chase for one day.

Mr. Crittenden asked and obtained leave of absence for Mr. O'Farrell

for one day.

Mr. Phelps asked and obtained leave of absence for Mr. Parker for one

Mr. Eagon asked and obtained leave of absence for Mr. Bradley for one day.

Journal of Saturday read and approved.

REPORTS.

Mr. Dent, Chairman of Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 182, An Act to amend an Act entitled "An Act to authorize Charles J. Collins, his Associates and Assigns, to build a Wharf at or near Point Colberg, in Solano County," passed April twenty-first, one thousand eight hundred and fifty-seven;

And, also, Senate Bill, No. 133, An Act to provide for the Issuance and Payment of Bonds for Expenses incurred in the Suppression of Indian

Hostilities in certain Counties in this State.

DENT,

Chairman.

Report accepted.
Mr. Parks, of Enrolling Committee, made the following report:

Mr. President:—The Committee on Enrollment have examined Senate Bill, No. 88, An Act Appropriating Moneys for the benefit of the San Francisco Ladies' Protection and Relief Society, and have found the same correctly enrolled, and have this day taken the same to the Governor.

W. H. PARKS, For Committee.

Report accepted.

Mr. Redman, Chairman of the Committee on Education, made the following report:

Mr. President:—Your Committee on Education, to whom was referred Senate Bill, No. 46, entitled An Act to provide for the disposal of the Sixteenth and Thirty-Sixth Sections of Land donated to the State for School Purposes by Act of Congress, passed March third, one thousand eight hundred and fifty-three, and to appropriate the proceeds of the sales thereof to the credit of the General School Fund, have had the same under consideration, and report it back with amendments and recommend its passage as amended.

The bill provides for the disposal of the sixteenth and thirty-sixth sections of lands donated to the State for school purposes, and to apply the proceeds thereof to the General School Fund. As the law now is, each township in which the lands specified are located is entitled to the proceeds thereof, to the exclusion of other townships which, by reason of the peculiar condition of the public lands and landed interests in this

State, may not contain one inch of school lands.

It is well known that prior to the acquisition of the territory now comprising the State of California by the United States, the Mexican Government had disposed of large quantities of land to private individuals, nearly all of whom will soon have received patents for the same from the United States Government. These large grants of land, it is also well known, spread over a vast quantity of the most valuable and fertile agricultural lands in the State, especially including districts thickly populated, where there are large numbers of children to be educated, but who, under the present system, are deprived of this munificent grant.

It is certainly an unfair and inequitable distribution of the proceeds of these sales, to restrict them to the benefits of those alone who may happen to reside in the townships where such lands are located. Neither is

it the intention of the act of Congress granting such lands. The act provides that "sections sixteen and thirty-six shall be, and are hereby, granted to the State, for the use of public schools in each township." By the terms of the grant itself it will be seen that the lands mentioned are "granted to the State." Now it requires no argument to show that the people are the State; that is, the people as a unit-not the people as subdivided into bodies politic or corporate, for the purposes of the management of their own internal affairs; hence a grant to "the State" is a donation to all the people of the State; nor would the expression contained in said act, viz: "for the use of public schools in each township," restrict its meaning to each township in which such lands are located, but must mean to apply to each township in the State. Any other view would conflict with the provisions of the Constitution of the State, which provides, Article ninth, section second, that "the proceeds of all lands that may be granted to this State by the United States for the support of common schools * * * shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, * * * etc., shall be inviolably appropriated to the support of common schools throughout the State." So, when California was admitted into the Union as a State, she was accepted with this provision in the Constitution, and any grant of land which Congress might thereafter make for school purposes, became subject to it.

It cannot be well supposed that Congress, at the time this donation was made was ignorant of the condition of her public domain, nor of the con-

dition of private land claims in this State.

In one thousand eight hundred and fifty-one, two years anterior to the date of the act granting the sections mentioned, ('ongress had established a commission for the very purpose of settling and ascertaining the nature and extent of private land claims, and must have known that a grant to the inhabitants of each township in which these sections are located, would have operated very harshly upon a large number of our citizens, hence the propriety of granting the lands to the State, and not, as in many other instances, in other States, "to the inhabitants of the townships." Besides this, in the mineral regions, a system of injustice and inequality would exist, which, to say the least, would prove destructive to our common school system in those regions.

Why the children of one, residing in a district where these sections happen to be suited to the purposes of agriculture, should be preferred to those of an individual residing in a township where they partake of a mineral quality, is difficult to see upon the principles of equality. Some of the States of the Union have adopted a system similar to that proposed

in the bill, and it is found to operate well.

For further information in regard to this subject your committee would respectfully refer you to the very able and comprehensive reports of the Superintendent of Public Instruction, for this and the preceding year, whose opinions upon this subject are entitled to great weight, for his well known ability as well as years of patient study and investigation bestowed upon this and other subjects of a kindred character.

R. A. REDMAN, Chairman.

On motion of Mr. Phelps, the further reading of the report was dispensed with and the usual number of copies ordered printed.

Mr. McDonald, Chairman of Committee on State Prison and Public

Buildings, made the following report:

Mr. PRESIDENT:-The Committee on State Prison and Public Buildings, to whom was referred Senate Bill, No. 58, entitled An Act to provide for the construction of the State Capitol in the City of Sacramento, have had the same under consideration, and report it back with amendments and recommend that it pass as amended.

Amend section first by striking out the first four lines and inserting the following, to wit: "The Governor of the State is hereby authorized and directed to appoint three Commissioners, one of whom shall be an Archi-

tect or Master-Builder, whose-"

Also, add the following proviso, to wit:

Provided, the title to the public square shall be fully vested in the State of California, said title to be approved by the Attorney-General.

Amend section second by adding the following proviso, to wit:

Provided, That said Commissioners may, in their descretion, by unanimous vote, make such modifications of the plan and specifications as they may deem necessary to add to the utility or security of the edifice.

Amend section third by filling the blank in the third line (second line in printed bill) with the words "three hundred;" also, by striking out from the twelfth to the eighteenth lines inclusive (sixth, seventh, eighth, and ninth, lines of printed bill).

Amend section fourth by filling the blank in the fourth line (second line

of printed bill) with the word "sixty."

Amend section fifth by striking out the fourth and fifth lines (second and third in printed bill) and insert the following, to wit: "Furnished at such time as the Commissioners may designate."

Amend section tenth by filling the blank in the twenty-first line (tenth line printed bill) with the words "three thousand; also, the blank in the twenty-fifth line (twelfth line printed bill) with the words "twenty-five."

J. M. McDONALD, Chairman, GEORGE W. DENT, J. M. VANCE, JAS. T. RYAN.

Placed on file.

Mr. Parker gave notice that he would, at an early day, make a minority report.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, March 12, 1860.

Mr. PRESIDENT:-The Assembly on Saturday last passed Senate Bill, No. 202, An Act concerning Roads and Highways in Siskiyou County;

Also, Senate Bill, No. 198, An Act to change the Name of Francis But-

ler McAllister to Francis Butler;
Also, Senate Bill, No. 187, An Act to authorize the County of Butte to
purchase and hold Two Hundred Thousand Dollars of the first Mortgage Bonds of the Northern California Railroad Company, and to issue the Bonds of said County for the Payment of the same, and for other purposes connected therewith;

Also, Senate Bill, No. 152, An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for County Purposes for the year one thousand eight hundred and sixty, with amendments;

Also, substitute for Assembly Bill, No. 202, An Act abolishing the office of County Assessor and establishing the office of Township Assessors in

the County of Calaveras.

R. K. WESTON.

Ass't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill, No. 152, An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for County Purposes for the year one thousand eight hundred and sixty—was reported back from the Assembly with amendments; amendments concurred in.

Assembly Bill, No. 202, An Act abolishing the office of County Assessor and establishing the office of Township Assessors in the County of Calaveras—was read first and second times and referred to the Calaveras Del-

egation.

GENERAL FILE.

Assembly Bill, No. 52, An Act to extend "An Act to prevent Stallions from Running at Large in Sacramento County," approved March twenty-ninth, one thousand eight hundred and fifty-nine—was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in, bill read a third time and passed.

Senate Bill, No. 157, An Act to Change the Name of the town of Union to that of the Town of Arcata—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Ryan, the rules were suspended, the bill considered

engrossed, read a third time, and passed.

Senate Bill, No. 174, An Act to authorize the State Treasurer to receive and cancel certain evidence of Indebtedness—was considered in Committee of the Whole.

IN SENATE.

Bill ordered engrossed and read a third time.

Assembly Concurrent Resolution, No. 53, Relative to Nevada Terri-

tory-

On motion of Mr. Anderson, was made the special order for Wednesday, March fourteenth, at twelve, M.

Assembly Concurrent Resolution, No. 38, Relative to taking the census

-was concurred in.

Assembly Concurrent Resolution, No. 39, Relative to Claims against Mexico—was referred to Committee on Federal Relations.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, March 12, 1860.

Mr. PRESIDENT:-The Assembly has this day passed Senate Bill, No. 114, An Act to provide for the appointment of a State Assayer of Ores and Metals, and to define his Duties.

> R. K. WESTON. As't Clerk of Assembly.

GENERAL FILE RESUMED.

Senate Bill, No. 180, An Act to provide for the Proper Registration and Canceling of the Evidence of Indebtedness paid prior to the term of the present incumbent—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Phelps, the rules were suspended, the bill considered engrossed, read a third time, and passed, and the title amended by striking out the word "incumbent" and inserting the words "State Treasurer."

Assembly Bill, No. 57, An Act to prohibit the Sale and Disposal of Adulterated, Spiritous, or Alcoholic Liquors, Wines, or Cider-was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Phelps, the bill was referred to the Judiciary Committee.

Senate Bill, No. 120, An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to provide for the Support of the Government of this State," approved May fifteenth, one thousand eight hundred and fifty-four, approved April twenty-seventh, one thousand eight hundred and fifty-five—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Anderson, the bill was made the special order for

Friday, March sixteenth, at twelve, M.

Mr. Kirkpatrick moved to reconsider the vote whereby the resolution relative to paying the Sergeant-at-Arms and Clerk of the Capital Committee one week's pay and mileage was indefinitely postponed, and make it the special order for Friday, March sixteenth, at twelve, M.

Carried.

Senate Bill, No. 76, An Act to provide for the Issuance of Patents to Lands located with State School Land Warrants, and for Lands purchased under the Act of April twenty-fifth, one thousand eight hundred and fifty-eight.

The Committee on Public Lands reported the bill back, recommend-

ing its indefinite postponement, and it was so disposed of.

Mr. Phelps moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Leet, Ryan, and Redman, and taken with the following result: Ayes, 10-noes, 8:

Ayes-Messrs. Anderson, Crittenden, De la Guerra, Dickinson, Franklin, Haynes, Kirkpatrick, Lansing, Logan, and Phelps-10.

Nors-Messrs. Dent, Leet, McDonald, Parks, Redman, Ryan, Titus, and Watson-8.

So the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

Senate Chamber, Tuesday, March 13th, 1860.

Senate met pursuant to adjournment. President in the Chair.

Roll called.

Journals of yesterday read and approved.

REPORT.

Mr. Parks, of Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT:—The Committee on Enrolled Bills have examined Senate Bill, No. 187, An Act to authorize the County of Butte to purchase and hold Two Hundred Thousand Dollars of the first Mortgage Bonds of the California Northern Railroad Company and to issue the Bonds of said County for the Payment of the same and for other purposes connected therewith;

Also, Senate Bill, No. 152, An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for County purposes for the

year one thousand eight hundred and sixty;

Also, Senate Bill, No. 198, An Act to change the name of Francis Butler McAllister, to Francis Butler, and have found the same correctly enrolled, and have this day taken the same to the Governor.

W. H. PARKS, For Committee.

Report accepted.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department, Sacramento, March 10, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 160, An Act to authorize the Board of Supervisors of Shasta County to Audit and Allow the Clerk of the Court of Sessions additional pay for Services in certain Cases;

Also, Senate Bill, No. 181, An Act concerning the Government of the

City of Marysville.

JOHN G. DOWNEY, Governor.

INTRODUCTION OF BILLS.

Mr. Watson, by leave, introduced a bill for an act entitled An Act to define and establish a portion of the Eastern Boundary of the State of California.

Read first and second times, and referred to the Committee on Federal

Relations.

Mr. Leet, by leave, introduced a bill for an act entitled An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fiftyone, approved April fifteenth, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the Judiciary Committee. Mr. Leet, by leave, introduced a bill for an act entitled An Act to pro-

vide for the preparing of a Catalogue of the State Library.

Read first and second times, and referred to the State Library Committee.

Mr. Edgerton, by leave, introduced a bill for an act entitled An Act to

fix the Compensation of the County Treasurer of Napa County.

Read first and second times, and referred to the Judiciary Committee. On motion of Mr. Merritt, Senate Bill, No. 58, An Act to provide for the Construction of the State Capitol in the City of Sacramento-was made the special order for Thursday, March fifteenth, at one o'clock, P. M.

REPORT.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. PRESIDENT:-The Committee on Engrossed Bills have examined Senate Bill, No. 174, An Act to authorize the State Treasurer to receive and cancel certain evidences of Indebtedness;

Also, Senate Bill, No. 180, An Act to provide for the proper Registration and Cancelling of the evidences of Indebtedness paid prior to the

Term of the present State Treasurer:

Also, Senate Bill, No. 157, An Act to change the name of the Town of Union to that of the Town of Arcata, and find the same correctly engrossed.

DENT. Chairman.

Report accepted.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

March 13, 1860.

Mr. President:—The Assembly, on yesterday, passed Senate Bill, No. 9, An Act to afford Protection to Immigrants to California, with an amendment;

Also, Concurred in Senate amendment to Assembly Bill, No. 83, An Act concerning Roads and Highways in the Counties of Alameda and

Santa Clara:

Also, Concurred in Senate amendment to Assembly Bill, No. 129, An Act to amend an Act amendatory of "An Act concerning Roads and Highways," passed April nineteenth, one thousand eight hundred and fifty-six, and to make applicable in so far as the Counties of Trinity and

Butte are concerned:

Also, adopted Assembly Concurrent Resolution, No. 59, Relative to paying J. M. Rheese and C. Wilson, Clerk and Sergeant-at-Arms of Indian Committee;

Also, Assembly Concurrent Resolution, No. 58, Relative to Mail Route

from Carson City to Nevada and Sacramento;

Also, refused to concur in Senate amendment to Assembly Bill, No. 52, An Act to extend "An Act to prevent Stallions from running at large in the County of Sacramento," approved March twenty-ninth, one thousand eight hundred and fifty-nine;

Also, on the tenth instant, passed Assembly Bill, No. 48, An Act to provide for the Payment of Volume Twelve of the Reports of the Supreme

Court of the State of California;

Also, substitute for Assembly Bill, No. 65, An Act amendatory of an Act entitled "An Act for the Government and Protection of Indians," passed April twenty-second, one thousand eight hundred and fifty;

And have instructed me to request the Senate to return to the Assembly, Senate Bill, No. 214, An Act to provide for the Appointment of a State Assayer of Ores and Metals, and to define his Duties, notice of reconsideration of the same having been given after the bill had gone from the possession of the House.

R. K. WESTON,

Assistant Clerk Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution, No. 59, Relative to Paying J. M. Reese and C. Wilson, Clerk and Sergeant-at-Arms of Indian Committee—was concurred in.

Assembly Concurrent Resolution, No. 58, Relative to Mail Route from

Carson City to Nevada and Sacramento-was concurred in.

The Assembly refused to concur in Senate amendments to Assembly Bill, No. 52, An Act to extend "An Act to prevent Stallions from running at large in the County of Sacramento," approved March twenty-ninth, one thousand eight hundred and fifty-nine, and the Senate receded from said amendments.

Assembly Bill, No. 48, An Act to provide for the Payment of Volume Twelve of the Reports of the Supreme Court of the State of California—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 65, An Act amendatory of an Act entitled "An Act for the Government and Protection of Indians," passed April twenty-second, one thousand eight hundred and fifty—was read first and second times, and referred to the Committee on Federal Relations.

The Secretary was authorized to transmit to the Assembly Senate Bill, No. 114, An Act to provide for the Appointment of a State Assayer of

Oros and Metals, and to define his Duties.

The Senate concurred in Assembly amendments to Senate Bill, No. 9, An Act to afford Protection to Immigrants to California.

GENERAL FILE.

Assembly Bill, No. 250, An Act concerning the office of Assessor of Klamath County—was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in, bill read a third time and passed.

Senate Bill, No. 10, An Act to amend an Act entitled "An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State," approved April twenty-first, one thousand eight hundred and fifty-eight—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Phelps, the rules were suspended, the bill considered

engrossed, read a third time and passed.

Senate Bill, No. 194, An Act to Appropriate Money for the Purchase of certain City Lots, and a Dairy for the State Insane Asylum—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Titus, the rules were suspended, the bill considered

engrossed, read a third time and passed.

Assembly Bill, No. 190, An Act to amend an Act entitled "An Act to define the Boundaries and provide for the Organization of Mendocino County," was—

On motion of Mr. O'Farrell, laid on the table.

On motion of Mr. Wheeler, the usual number of copies of the Report of the Special Joint Committee on Constitutional Convention, was ordered printed.

On motion of Mr. Phelps, the report was laid on the table.

Assembly Bill, No. 61, An Act to appropriate Money to pay R. A. Thompson and Ferris Forman, for Services and Expenses incurred as Commissioners from the State of California to the President of the United States in the year one thousand eight hundred and fifty-six—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Wheeler, the bill was made the special order for Sat-

urday, March seventeenth, at twelve, M.

Assembly Bill, No. 226, An Act to authorize the American River Water and Mining Company to extend their Works to, or near, the City of Sacramento, in the County of Sacramento, for the purpose of Supplying the Inhabitants of said County with Water for Irrigation, Mechanical, Manufacturing, and other purposes, for which the same may be required—was considered in Committee of the Whole and amended.

Pending the consideration of which, the hour arrived for the special

order of the day.

President pro tem. in the Chair.

SPECIAL ORDER.

Senate Bill, No. 140, An Act for the Reclamation and Sale of the Swamp and Overflowed Lands of this State—was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Redman, the bill was amended by striking out in section one, ninth line, all after the word "aforesaid," and inserting the

words "shall be paid into the county treasury, to the credit of the General School Fund."

Mr. Peachy moved to amend by striking out in the fifth and sixth lines of section one, the words "together with all moneys having accrued from the sale of any of the said swamp lands."

Upon which, the ayes and noes were demanded, by Messrs. Parks, Watson, and Bradley, and taken with the following result: Ayes, 12-noes, 16:

AYES-Messrs. Anderson, Bradley, Crittenden, De la Guerra, Haynes,

Leet, Logan, O'Farrell, Peachy, Quinn, Vance, and Watkins—12.

Noes—Messrs. Ballou, Clark, Dent, Denver, Franklin, Kirkpatrick, Lansing, McDonald, Merritt, Parks, Phelps, Redman, Ryan, Titus, Watson, and Wheeler-16.

So the amendment was lost.

The bill was then ordered engrossed, and read a third time.

On motion of Mr. Anderson, the usual number of copies was ordered printed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,) Sacramento, March 13, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 66, An Act to prohibit the burning of Brick within certain limits in the City and County of San Francisco;

Also, Senate Bill, No. 88, An Act Appropriating Moneys for the benefit

of the San Francisco Ladies' Protection and Relief Society.

JOHN G. DOWNEY,

Governor.

Mr. Titus moved to adjourn. Lost.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

March 13th, 1860.

Mr. PRESIDENT :- The Assembly have this day passed Senate Bill, No. 124, An Act to provide for the correct Report and Publication of the De-

cisions of the Supreme Court, with amendments;
Also, refused to reconsider the vote by which Senate Bill, No. 114, An Act to provide for the Appointment of a State Assayer of Ores and Metals, and to define his Duties, was passed on the twelfth instant.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

The Senate concurred in Assembly amendments to Senate Bill, No. 124, An Act to provide for the correct Report and Publication of the Decisions of the Supreme Court.

Mr. Merritt, by leave, introduced a bill for an act entitled An Act to Insure the State Library.

28sen

Read first and second times, and referred to the State Library Com-

mittee.

Mr. Wheeler moved to reconsider the vote whereby Assembly Bill, No. 61, An Act to Appropriate Money to pay R. A. Thompson and Ferris Forman, for Services and Expenses incurred as Commissioners from the State of California to the President of the United States in the year one thousand eight hundred and fifty-six was made the special order for Saturday, March seventeenth, at twelve, M.

Lost.

Mr. Wheeler asked and obtained leave of absence for Mr. Chase, for

one day.

On motion of Mr. Bradley, Senate Bill, No. 177, An Act for the Relief of B. F. Marshal, late Sheriff of Calaveras County, was taken from file, and made the special order for Tuesday, March twentieth, at twelve, M. On motion of Mr. Titus, the Senate adjourned.

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I. N. QUINN.

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Wednesday, March 14th, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journal of yesterday read and approved.

PETITIONS.

Mr. Redman presented a petition from citizens of Santa Clara County, praying for the repeal of the law Organizing the State Agricultural Society.

Referred to the Committee on Agriculture.

Mr. Sharp presented a petition and memorial from citizens of San Francisco, praying for a donation to the Sisters of Mercy.

Referred to the Committee on Public Expenditures.

Mr. Logan presented a petition from citizens of Shasta, praying for a donation to the Sisters of Mercy.

Referred to the Committee on Public Expenditures.

Mr. Sharp presented a petition from citizens of San Francisco County, praying for the passage of a law appropriating Money to pay the Troops called out by the Governor to suppress the Vigilance Committee in San Francisco, in one thousand eight hundred and fifty-six.

Referred to the Committee on Military Affairs.

Mr. Vance presented a petition from eitizens of Butte County, remonstrating against the passage of a law giving the exclusive right of Bridge Franchise at Oroville, to R. B. Moore.

Referred to the delegation from that county.

REPORTS.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 194, An Act to appropriate Money for the Purchase of certain City Lots and a Dairy for the Insane Asylum, and find the same correctly engrossed.

DENT, Chairman.

Report accepted.

Mr. Parks, of Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee on Enrolled Bills have examined Senate Bill, No. 114, An Act to provide for the appointment of a State Assaver of Ores and Metals, and to define his Duties;

Also, Senate Bill, No. 202, An Act concerning Roads and Highways in the County of Siskiyou, and find the same correctly enrolled, and have

taken them to the Governor for his approval.

W. H. PARKS.

For Committee.

Report accepted.

Mr. Merritt presented a petition from citizens of Tulare County, praying for the increase of the salary of the County Judge of that County.

Referred to the delegation from that county.

Mr. Phelps, Chairman of Committee on Roads and Highways, made the following report:

Mr. PRESIDENT: -Your Committee on Roads and Highways, to whom was referred Senate Bill, No. 190, An Act to appropriate Fifteen Thousand Dollars for the construction of a Wagon Road through the County of Santa Barbara, have had the same under consideration, and recommend that the appropriation be made and the passage of the bill, with certain amendments hereunto attached. The bill provides that the county of Santa Barbara shall also appropriate the sum of fifteen thousand dollars, which (as the committee propose to amend the bill) is first to be expended in the construction of the road. The building of the proposed road through the county of Santa Barbara, would give a good wagon road from the valley of San José, along the coast, to Los Angeles and San Bernardino, which would prove not only of great benefit to all of the counties south of the Golden Gate, but, to some extent, to the people of the whole State. The committee is reliably informed that the construction of this road would enable the Southern Overland Mail to make the trip in one day's time less each way. In short, the committee deem the work of sufficient public importance to warrant the Legislature in making the appropriation:

Amend section one, line twelve, by inserting after the word "appro-

priate," the words "and first expend."

In thirteenth line, strike out the words "to be expended."

In line four, section two, after the word "appropriated," insert "and expended."

In sixth line strike out the words "to be expended by said county."

Chairman.

Placed on file.

Mr. Sharp, Chairman of the Committee on Public Expenditures, made the following report:

Mr. President:—Your Committee on Public Expenditures have examined the copying done for the Senate up to date, and find as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal Printer Tabular Statements Tabular Statements for Printer Totals	630 630 710 710	10 15	\$94 50 63 00 106 50 71 00 \$335 00

Examined, audited, and allowed.

SOL. A. SHARP,

Chairman.

Adopted.

Mr. Watkins, Chairman of Committee on Claims, made the following report:

Mr. President:—The Committee on Claims to whom was referred Assembly Bill, No. 116. An Act for the Payment of Expenses, incurred in the Suppression of Indian Hostilities in certain Counties in this State, having had the same under consideration, beg leave to report it back, and recommend its passage.

H. P. WATKINS,

Chairman.

Placed on file.

On motion of Mr. Logan, the bill just reported was made the special order for to-morrow, at twelve, M.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, March 14th, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have approved Senate Bill, No. 12, An Act extending the Privileges of the Homestead Law to certain Persons, and to regulate the creation of the same;

Also, Senate Bill, No. 198, An Act to change the name of Francis But-

ler McAllister to Francis Butler;

Also, Senate Bill, No. 152, An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for County purposes for the year one thousand eight hundred and sixty.

JOHN G. DOWNEY, Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, March 14, 1860.

Mr. President:—The Assembly on yesterday passed substitute for Assembly Bill, No. 46, An Act concerning Estrays.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 46, An Act concerning Estrays, was read first and second times, and referred to the Committee on Agriculture.

Mr. Merritt, by leave, introduced a bill for an act entitled An Act to

fix the Compensation of the County Judge of Tulare County.

Read first and second times.

On motion of Mr. Merritt, the rules were suspended, the bill considered engrossed, read a third time and passed.

INTRODUCTION OF BILLS.

Mr. Sharp, pursuant to notice, introduced a bill for an act entitled An Act to amend an Act entitled "An Act concerning Forcible Entries and Unlawful Detainer," passed April twenty-second, one thousand eight hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

Mr. O'Farrell, by leave, introduced a bill for an act entitled An Act
authorizing and empowering the County Recorder of Sonoma County to
Transcribe certain Records, and to legalize the same.

Read first and second times.

On motion of Mr. O'Farrell, the rules were suspended, the bill considered engrossed, read a third time and passed, and the Forty-Fifth Rule of the Senate was suspended, and the bill transmitted to the Assembly.

Mr. Vance, of Select Committee, made the following report:

Mr. PRESIDENT:—The Select Committee, to whom was referred Senate Bill, No. 147, for the Reclamation and Draining of certain Lands therein named, and for other purposes, have had the same under consideration, and return the bill, with the accompanying substitute, and make the fol-

lowing report:

The State has made grants of entire tracts, and of alternate sections of the swamp lands acquired by act of Congress of March third, one thousand eight hundred and fifty-seven, and have enacted general laws concerning their disposition, all of which was supposed to have been sufficiently liberal to induce a reclamation. They have failed in their object, and at this time, when they should have been available, they are to all intents undeveloped and worthless. There is not, and never has been, sufficient information upon this subject to legislate for the best interests of this State. The proper steps have never been taken to obtain it. For this purpose, and for the immediate reclamation of the land, this bill is submitted, and its conditions and provisions are such, that its purposes must be speedily accomplished, and that which is now a waste will be made the richest portion of the State. The drought of the seasons urges speedy and advised action, for already, thousands of cattle are perishing,

while a reclamation would furnish abundant pasture. For most of the year these lands are impassable, covered with stagnant water—they sooner

or later will affect the general health.

No information exists as to their capacity for various staple products. To secure these objects such legislation should be had as will attain them. What avails it to have money in the treasury from the sale of these lands if they remain unavailable, as by present action for want of information? Reason would suggest a lavish expensione even from the General Fund, to obtain it, if thereby they could be made productive. But this is unnecessary, for the State has thousan is of acres, and a fund solely for this purpose, unprofitably exists, both of which should now be applied to the adoption of such measures as will at the same time reclaim a portion of the land and obtain wisdom for future action. The interests of the State require it. Good faith to the General Government demands it. If this policy is pursued she may not only complete the reclamation, devel spe her resources, decrease taxation, but have a surplus of money out of the land itself for the endowment of instrintions of learning, of literature, and of art. Otherwise, by imprudent legislation, the lands will be further embarrassed, and then not even with long and a heavy expenditure from other sources, accomplish so useful and accessary an object.

The provisions of this bill are so in that the interests of the State are protected, her resources increased, knowledge obtained, and an immediate reclamation issured. For those reas us we recommend its passage.

All of which is respectfully submitted.

J. M. VANCE, Chairman, H. P. WATKINS.

On motion of Mr. Parks, the bill above reported was recommitted to the Committee on Swamp and Overflowed Lands.

On mot on of Mr. Anderson, the substitute was ordered printed.

Mr. Dickinson rose to a point of order, that it is not in order to discuss the merits of a full when the question is on ordering it printed.

The Chair decided the point of order well taken.

On mation of Mr. Bradicy, Assembly Bill, No. 223. An Act to authorize the American River Water and Mining Company to extend their works to, or near, the City of Sacramento, is the County of Sacramento, for the purpose of Sapplying the Inital tarts of said County with Water, for Irrigating, Mechanical, Maintenturing, and other purposes, for which the same may be required, was taken from unfinished business, and considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

Pending the consideration of the bill, the hour arrived for the special order of the day.

SPECIAL ORDER.

Senate Bill, No. 141, An Act to authorize certain Counties to retain the State's portion of the Poli-Tax, less that portion allowed by law to be paid into the General School Fund, and the State's portion of the Foreign Miners' License Tax, which shall be collected in the said Counties for the years one thousand eight hundred and sixty, and sixty-one, to be applied to the Construction and Improvement of certain Wagon Roads over the Sierra Nevada, was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Leet, it was made the special order for to-morrow, at half-past eleven, A. M.

FURTHER MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, March 14, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have this day approved Senate Bill, No. 114, An Act to provide for the Appointment of a State Assayer of Ores and Metals, and to define his Duties.

JOHN G. DOWNEY,

Governor.

FURTHER SPECIAL ORDER.

Assembly Concurrent Resolution, No. 53, Relative to Nevada Territory, was-

On motion of Mr. Lansing, made the special order for Friday, March sixteenth, at half-past cleven, A. M.

FURTHER MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, March 14, 1860.

To the Honorable the Senate of California:

I hereby nominate and appoint B. B. Thayer, State Assayer of Ores and Metals, and respectfully ask your Honorable Body to confirm the same.

JOHN G. DOWNEY,

Governor.

On motion of Mr. Lansing, the Forty-Sixth Standing Rule of the Senate was suspended and the Senate went into Executive Session, for the purpose of considering the Governor's Message.

The question being shall the appointment of B. B. Thayer as State Assayer of Ores and Metals be confirmed? the roll was called, with the

following result: Ayes, 22-noes, 1:

AYES-Messrs. Bradley, De la Guerra, Edgerton, Franklin, Haynes, Kirkpatrick, Lansing, Leet, Logan, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Quinn, Redman, Ryan, Vance, Watkins, Watson, and Wheeler-22.

NoEs-Mr. Dickinson-1.

So the nomination was confirmed.

Mr. Anderson declined to vote.

Mr. De la Guerra, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to provide for Paying certain Equitable Claims against the State of California, and to contract a Funded Debt for that purpose."

Read first and second times and referred to the Finance Committee.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, March 14, 1860.

Mr. President:—The Assembly on yesterday passed substitute for Assembly Bill, No. 292, An Act to Change the Times of holding the Terms of the District Court within the Third Judicial District;

Also, Assembly Bill, No. 194. An Act to authorize and require the Board of Supervisors of Sierra County to Audit and Allow the Claims of Moses Haynes for services rendered in arresting a Fugitive from Justice

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 292, An Act to Change the Times of holding the Terms of the District Court within the Third Judicial District—was read first and second times.

On motion of Mr. Redman, the rules were suspended and the bill considered in Committee of the Whole and amended.

IN SENATE.

Mr. Merritt in the Chair.

Amendments concurred in, bill read a third time and passed.

Assembly Bill, No. 194, An Act to authorize and require the Board of Supervisors of Sierra County to Audit and Allow the Claim of Moses Haynes for services rendered in arresting a Fugitive from Justice—was read first and second times and referred to the Senator from Sierra County.

Mr. Edgerton, by leave, introduced a bill for an act entitled An Act to regulate the Compensation of the County Surveyor of Napa County.

Read first and second times and referred to the Senator from Napa

On motion of Mr. Logan the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,
Thursday, March 15, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Anderson presented a petition from citizens of San Francisco, praying for the passage of a Bulkhead Law.

Referred to Special Committee on Bulkhead Affairs.

REPORTS.

Mr. Edgerton, of Tenth Senatorial District, made the following report:

Mr. President:—The undersigned, to whom was referred Senate Bill, No. 217, entitled An Act to regulate the Compensation of the County Surveyor of Napa County, has had the same under consideration, and reports the same back and recommends its passage.

HENRY EDGERTON,

Senator Tenth District.

Placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, March 15, 1860.

Mr. President:—The Assembly on yesterday passed Senate Bill, No. 216, An Act authorizing and empowering the County Recorder of Sonoma County to transcribe certain Records and to legalize the same;

Also, Senate Bill, No. 105, An Act supplementary to, and amendatory of, "An Act concerning Officers," approved April twenty-eighth one thou-

sand eight hundred and fifty-one;

Also, Senate Bill, No. 126, An Act to amend an Act entitled "An Act concerning the Office of Public Administrator and making it Elective," approved April fifteenth, one thousand eight hundred and fifty-four;

Also, Senate Bill, No. 132, An Act defining the number of Justices of the Peace in the City and Township of Placerville, in El Dorado County.

R. K. WESTON,

Assistant Clerk of Assembly.

Mr. Parker, of Committee on State Prison and Public Buildings, made the following minority report:

Mr. President:—The undersigned, a minority of the Committee on State Prison and Public Buildings, to whom was referred Senate Bill, No. 58, An Act to provide for the construction of a State Capitol in the City of Sacramento, have had the same under consideration, and recommend its indefinite postponement—

First—Because the State has not a fee-simple title to the land on which it is proposed to erect said State Capitol, and because we have no evidence

that said title has been examined by a competent person.

Second—Because action on this bill would be premature, if passed upon before action upon the report of the committee appointed to locate a State Capitol.

Third—Because said bill does not contemplate the erection of such a

State Capitol as the wants and necessities of the State require.

Fourth-Because the people have not in any manner indicated the choice of Sacramento as the place where the State Capitol ought to be creeted.

Fifth—Because a bill is now pending in the Assembly, proposing to submit to the people the question as to where the State Capitol should be located.

S. H. PARKER,
PABLO DE LA GUERRA,
Minority of Committee.

On motion of Mr. Parker, it was made the special order for to-day at one, P. M. in conjunction with Senate Bill, No. 58, referred to in this report.

Mr. Bradley, of Committee on Claims, made the following report:

Mr. President:-The Committee on Claims have had under consideration the claim of Brant Seguin, for compensation for services rendered in conveying insane persons from San Francisco to the Insane Asylum, in one thousand eight hundred and fifty-four, and recommend that it be rejected, for the reason that such compensation should be paid by the county (see Wood's Digest, page 61, section 16);

Also, the claim of A. Hiller, for one clock furnished the Senate Chamber in one thousand eight hundred and fifty five. This claim was rejected by the Legislature at its ninth session, and by the present Board of Examiners, and your committee can see no good reason for a different con-

clusion; they therefore recommend that the claim be rejected;

Also, the claim of J. B. Carr, for services as Attorney for the Control-

ler of State in a certain suit, and recommend that it be rejected;

Also, Senate Bill, No. 119, An Act making an Appropriation for the Payment of D. J. Snyder, for services rendered by him, and recommend that it do not pass;

Also, the claim of D. H. Whipley, for quarters and subsistence of troops in one thousand eight hundred and fifty, and recommend that he be allowed

for the sum of six hundred and thirty dollars;

Also, the claim of W. S. Hughes, Corner of Marin County, for services as such Coroner, in holding inquests at the State prison. Your Committee are compelled to reject the claim, solely for the want of proper evidence that the services were rendered; at the same time they are of the opinion that the payment for such services is justly chargeable to the

State, and not to the county of Marin;
Also, the claim of John Hendley, Treasurer of Sonoma County, for additional per centage on money paid by him as such Treasurer, into the State Treasury. Your committee can see no merit in this claim, since the law of one thousand eight hundred and fifty-seven fixes the per centage to which the Treasurer of Sonoma is entitled at two per cent. on the first fifty thousand dollars, and one per cent. on all over fifty thousand dollars and under one hundred thousand dollars, etc., for all moneys received and disbursed by him; and of this law claimant was no doubt aware. Your committee therefore recommend that the claim be rejected. B. F. BRADLEY,

For Committee.

Placed on file.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, March 14, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 187, An Act to authorize the County of Butte to purchase and hold Two Hundred Thousand Dollars of the First Mortgage Bonds of the California Northern Railroad Company, and to issue the Bonds of said

County for the payment of the same, and for other purposes connected therewith.

JOHN G. DOWNEY,

Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,) Sacramento, March 15, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 90, An Act providing for the Payment of a Judgment in favor of Trustum C. Gilman, against the County of Contra Costa;

Also, Senate Bill, No. 202, An Act concerning Roads and Highways in

the County of Siskiyou;
Also, Senate Bill, No. 9, An Act to afford Protection to Immigrants to California.

JOHN G. DOWNEY,

Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,) Sacramento, March 15, 1860.

To the Honorable the Senate of California:

I transmit herewith the report of the Trustees of the Roman Catholic Orphan Asylum of the city of San Francisco. And, also, the report of the Orphan Asylum of the city of Los Angeles—showing the manner of the expenditures of the appropriations made by the State, for the benefit of the asylum, at the last session of the Legislature, as required by law.

JOHN G. DOWNEY,

Governor.

On motion of Mr. Dickinson, the message and reports were referred to Committee on Public Expenditures.

> STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,) Sacramento, March 15, 1860.

To the Honorable the Senate of California:

I transmit herewith, for the consideration of your Honorable Body, a communication from James Queen, proposing to sell to the State, for the use of the State Library, the files of the pioneer press, from one thousand eight hundred and forty-six, to one thousand eight hundred and fifty-five, complete, as the accompanying schedule will show.

I deem it proper to state that I have examined the specimen volumes now on exhibition in the Executive office, and am fully impressed with the importance of the same, and urge upon the Legislature the propriety of securing, for the use of the State Library, this connected history of

the early times of our State.

They have also been carefully examined by the Board of Directors of the State Library, and they unanimously recommend the purchase. I, therefore, respectfully suggest that an appropriation of twenty-five hundred dollars be made for that purpose.

JOHN G. DOWNEY,

Governor.

Referred to State Library Committee.

REPORTS.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate Bill, No. 205, entitled An Act to make valid and effectual conveyances of Real Estate, executed by a Person or Persons, as Attorney or Attorneys, in fact of a Husband and Wife, have had the same under consideration and report the bill back and recommend that it be indefinitely postponed.

Your committee have also had under advisement Senate Bill, No. 206, entitled An Act to provide for the Codification of the Laws of this State, and report the bill back, and recommend that the same be indefinitely

postponed

Your committee have also had under consideration Senate Bill, No 125, entitled An Act enabling Purchasers of Real Property to obtain possession of Land sold on Execution, and report the bill back and recommend

that the same be indefinitely postponed.

Your Committee have also had under advisement substitute to Senate Bill, No. 26, entitled An Act to provide for the Report and Publication of the Decisions of the Supreme Court, and report the bill back and recom-

mend that the same be indefinitely postponed.

Your committee have also had under consideration Senate Bill, No. 204, entitled An Act to Incorporate the San Joaquin Valley Agricultural Society, and report the bill back and recommend that the same be indefinitely postponed, on the ground that the committee deem it unconstitutional.

Your committee have also had under advisement substitute for Assembly Bills, Nos. 49 and 88, entitled An Act to provide for the Publication of the General Laws of this State in force at the expiration of the Eleventh Session of the Legislature, and report the bill back and recommend that the same be indefinitely postponed, Mr. Sharp, voting for its passage.

Your committee have also had under consideration Senate Bill, No. 118, entitled An Act for the Relief of Insolvent Debtors and Protection of Creditors, approved May fourth, one thousand eight hundred and fifty-two, and report the bill back, and recommend its passage.

Your committee have also had under advisement Senate Bill, No. 212, entitled An Act to fix the Compensation of the County Treasurer of Napa County, and report the bill back, and recommend its passage.

Your committee, have also had under consideration Senate Bill, No. 203, entitled An Act in Relation to Loobying and Log Rolling, and to declare the same to be a Misdemeanor, and report the bill back, and rec-

ommend its passage.

Your committee have also had under advisement Assembly Bill, No. 176, entitled An Act supplemental to an Act entitled "An Act to authorize the sale of certain Real Estate by Guardians," approved March twenty-eighth, one thousand eight hundred and fifty-nine, and report the bill back and recommend its passage.

Your committee have also had under consideration, Assembly Bill, No. 57, entitled An Act to prohibit the Sale and Disposal of Adulterated Spirituous or Alcoholic Liquors, Wines, or Cider, and report the bill back,

and recommend its passage.

Your committee have also had under advisement Assembly Bill, No. 107, entitled An Act amendatory of an Act entitled "An Act to provide

for the Appointment and prescribe the Duties of Guardians," passed April nineteenth, one thousand eight hundred and fifty-nine, and report

the bill back, and recommend its passage.

Your committee have also had under consideration Assembly Bill, No. 223, entitled An Act to amend an Act entitled "An Act to Regulate the Estates of Deceased Persons," approved May first, one thousand eight hundred and fifty-one, and report the bill back, and recommend its passage.

Your committee have also had under advisement a petition of the citizens of San Francisco against the Coolie System, and report the same back with the recommendation that the said petition be referred to the Committee on Federal Relations, as it involves some grave questions of international law, and therefore should be most appropriately referred to

said committee.

MERRITT, Chairman.

Placed on file:

Mr. De la Guerra, Chairman of the Committee on Finance, made the following report:

Mr. President:—Your Committee on Finance, to whom was referred Senate Bill, No. 43, An Act to provide Revenue for the support of the Government of this State, have had the same under consideration, and beg leave to make the following report thereon:

In many important particulars, your committee deem this bill to be an improvement on the existing law. It does not propose to diminish the objects or the rates of taxation. Its main design may be stated, in gen-

eral language, to be-

First-So to amend the present system as to give greater completeness

and efficiency to the assessment and collection of taxes.

Second—So to simplify the duties of revenue officers in the assessments and sales of property, for delinquent taxes, as that the same may be readily and correctly complied with.

Third-An improvement in the method of settlement of revenue offi-

cers, and provisions for the better protection of the public moneys.

This is the same bill which was so fully considered by the Senate at the session of one thousand eight hundred and fifty-nine, and which then passed the Senate by a large majority, but failed to receive the sanction of the Assembly. The system which it inaugurates is by no means an innovation without authority or precedent. The main feature of the bill-township or district assessments and collection of taxes-is incorporated into the revenue system of a large majority of the States of the Union. For example, in New York, all property is assessed in townships or wards, and all assessments are made by officers elected by townships or wards, and all Collectors of taxes chosen by the townships or wards in which they act as such. In Pennsylvania all property is assessed by districts, townships, and wards; and assessments are made by an Assessor in each township, a Collector being appointed by County Commissioners. In Ohio, assessments are made by an Assessor elected by the people of each township; the taxes are collected by the County Treasurer. In Wisconsin, all property assessed in the township or ward in which it is situated; assessments made by Assessors of each town, elected by the people of each township; taxes collected by the Town Treasurer of each town. New Jersey-All property assessed by an Assessor elected by each township, and such assessment apportioned by a Board of County Assessors, elected in the same manner; all taxes collected by a Township Collector, elected by the people of each township. Delaware-All property assessed by Assessors elected by the people of certain subdivisions of counties, called precincts; all taxes collected by Collectors appointed by the County Auditor for the different precincts. Connecticut-All assessments made by Assessors elected by the people of the townships; a Board of Relief, elected in the same way, acts as a Board of Equalization; all taxes collected by a Constable, elected at the annual town meeting in each township; all taxes for State purposes imposed by the General Assembly, and for county purposes by the County Commissioners and County Representatives. Michigan-All property assessed by the Supervisors, elected in each township; all taxes collected by the Treasurer of each township, elected by the people thereof; State tax apportioned by the Auditor General; county tax apportioned by the Board of Supervisors. Indiana-All property assessed by an Assessor elected by the electors of each township; all taxes collected by a Marshal elected as above; three Trustees, elected as above, to apportion assessments, and act as a Board of Equalization; a Treasurer, elected as above, receives, and disburses moneys collected. Massachusetts-All property assessed by Assessors elected by each township; all taxes collected by a Constable, elected as above. New Hampshire-All property assessed by Assessors and Selectmen, chosen by each township at its annual election; all taxes collected by a Collector, chosen as above. Vermont-Same as New Hampshire. Rhode Island—The same. Illinois—All property assessed by the Treasurer of each township, who is ex officio Assessor of the same, elected annually by the people of the township. North Carolina-All real property assessed by the Assessor of each township, appointed by the Commissioners of such township; all assessments collected by the Town Constable. Arkansas-All property assessed by Assessors of each township, appointed by the Town Council; all taxes collected by a Town Collector, appointed as above. In Kentucky, Louisiana, Missouri, and Tennessee, assessments are made, and taxes collected, by the county officers. Your committee beg leave to refer to the majority report of the Committee on Finance, made to the Senate at its last session, wherein the main provisions of this bill, are fully considered and discussed. (See Journal of Senate, Tenth Session, page 317). With the views therein expressed, the committee generally concur, and recommend the perusal of said report to the members of the Senate.

Your committee would further call the attention of the Senate to the fact that the leading principles of this bill are being rapidly adopted by the various counties of the State, by local acts of legislation. In Sierra County the township system is applied to the collection of all the license and poll taxes. By local act of the last session, the same system is applied to Calaveras County. It is now proposed by an act, which has already passed the Assembly, and now pending in the Senate, to have the assessments of taxes made in Calaveras County by Township Assessors. The delegations of several other counties propose, should no general law be passed at this session, to adopt the system by local acts. Unless a general act is soon passed, we will have as many revenue laws as there are counties in the State. The Constitution declares that all general laws shall be uniform in their operation; above all, a revenue system should be uniform and general in its application to the whole State. The conflicting provisions of this multitude of local acts must inevitably destroy the constitutionality of the entire mass, and introduces inextricable confusion where certainty and clearness should prevail. The validity of tax

titles will be utterly destroyed, and no compulsory process will exist for the collection of State or county revenue. A general law should be

passed, or all local acts on this subject repealed.

Your committee would call especial attention to those provisions of this bill, which compel, by adequate penalties, complete and monthly settlements on the part of all Tax Collectors, and afford far greater protection to the public moneys than now exists. Your committee, therefore, report the said bill back to the Senate, and recommend its passage, with certain amendments herewith transmitted.

PABLO DE LA GUERRA,

Chairman.

Placed on file.

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 141, An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion allowed by Law to be paid into the General School Fund, and the State's portion of the Foreign Miners' License Tax, which shall be collected in the said Counties for the years one thousand eight hundred and sixty and one thousand eight handred and sixty and one thousand eight handred and sixty-one, to be applied to the Construction and Improvement of certain Wagon Roads over the Sierra Nevada—was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

Mr. Phelps, moved to strike out the enacting clause.

Upon which the ayes and noes were demanded by Messrs. Lansing, Denver, and Redman, and taken with the following result: Ayes, 15—noes, 19:

Aves-Messrs. Chase, De la Guerra, Dickinson, Edgerton, Haynes, Lansing, Logan, Merritt, O'Farrell, Peachy, Phelps, Pico, Redman, Ryan, and Watson-15.

Noes-Messrs. Anderson, Bradley, Ballou, Clark, Crittenden, Denver, Eagon, Franklin, Kirkpatrick, Leet, McDonald, Parker, Parks, Quinn, Sharp, Titus, Vance, Watkins, and Wheeler-19.

So the motion was lost.

On motion of Mr. Baliou, section four was amended by striking out the words "M. W. Jackson," and inserting "James H. Yeates," in lieu thereof.

Mr. Leet, moved to amend by adding the following to section forty-three:

Upon the completion of said wagon road, the said Board of Commissioners shall cause to be filed in the Recorder's office of the county of Placer, a detailed statement of all their acts as said Commissioners, and the same shall be verified by the oath of each of said Commissioners.

Mr. Merritt, moved to recommit the bill to the Committee on Roads and Highways, with instructions to amend the bill, or report a substitute therefor, providing for the direct appropriation of sixty thousand dollars,

to what is known as the Placerville Route.

Upon which the ayes and noes were demanded by Messrs. Merritt, Phelps, and Vance, and taken with the following result: Ayes, 15—noes, 15:

AYES-Messrs. Chase, Dickinson, Edgerton, Haynes, Logan, McDonald,

Merritt, O'Farrell, Parker, Peachy, Phelps, Redman, Ryan, Sharp, and Watson-15.

Noes-Messrs. Bradley, Ballou, Clark, Crittenden, Denver, Eagon, Franklin, Kirkpatrick, Leet, Parks, Quinn, Titus, Vance, Watkins, and Wheeler-15.

So the motion was lost.

The question being on the adoption of the amendment offered by Mr. Leet, it was adopted.

Mr. Clark, moved to amend, wherever it occurs in the bill, by inserting "one half of the Foreign Miners' License Tax."

Lost.

Mr. Ballou moved a call of the Senate.

Upon which the ayes and noes were demanded by Messrs. Merritt, Lansing, and Watson, and taken with the following result: Ayes, 17—noes, 16:

AYES—Messrs. Bradley, Ballou, Clark, Crittenden, Denver, Dickinson, Eagon, Franklin, Haynes, Kirkpatrick, Leet, Parks, Quinn, Titus, Vance, Watkins, and Wheeler—17.

Noes-Messrs. Chase, De la Guerra, Edgerton, Lansing, Logan, McDonald, Merritt, O'Farrell, Parker, Peachy, Phelps, Pico, Redman, Ryan, Sharp, and Watson—16.

So the motion prevailed.

Roll called.

Absent-Messrs. Anderson and Dent.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Merritt moved to dispense with further proceedings under the call. Upon which the ayes and noes were demanded by Messrs. Leet, Bradley, and Watkins, and taken with the following result: Ayes, 20—noes, 13:

AYES—Messrs, Clark, Chase, De la Guerra, Dickinson, Edgerton, Lansing, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Redman, Ryan, Sharp, Watkins, and Watson—20.

Noes-Messrs. Bradley, Ballou, Crittenden, Denver, Eagon, Franklin, Haynes, Kirkpatrick, Leet, Quinn, Titus, Vance, and Wheeler-13.

So the motion prevailed.

Mr. Dickinson rose to a point of order—that ayes and noes cannot be taken while under a call of the Senate.

The Chair decided the point of order not well taken.

The question being on the engrossment and third reading of the bill— The ayes and noes were demanded by Messrs. Merritt. Chase, and Denver, and taken with the following result: Ayes, 19—noes, 15:

AYES—Messrs. Anderson, Bradley, Ballou, Clark, Crittenden, Denver, Dickinson, Eagon, Franklin, Kirkpatrick, Leet, McDonald, Merritt, Parks, Quinn, Titus, Vance, Watkins, and Wheeler—19.

Noes-Messrs, Chase, De la Guerra, Edgerton, Haynes, Lansing, Logan, O'Farrell, Parker, Peachy, Phelps, Pico, Redman, Ryan, Sharp, and

Watson-15.

So the bill was ordered engrossed.

Mr. Merritt gave notice that on to-morrow he would move for a reconsideration of the vote just taken.

On motion of Mr. De la Guerra, the further special orders were laid on

the table.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

March 15, 1860. Mr. President :- The Assembly on the thirteenth inst. passed Assembly Bill, No. 263, An Act amendatory of "An Act supplementary to an Act entitled 'An Act to Regulate the Estates of Deceased Persons,'" passed May first, one thousand eight hundred and fifty-one;

And have to-day passed Assembly Bill, No. 258, An Act to provide for

a Convention to Revise and Change the Constitution of this State.

R. K. WESTON, Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 263, An Act amendatory of "An Act supplementary to an Actentitled 'An Act to Regulate the Estates of Deceased Persons,'" passed May first, one thousand eight hundred and fifty-one-was read first and second times and referred to the Judiciary Committee.

Assembly Bill, No. 258, An Act to provide for a Convention to Revise and Change the Constitution of this State-was read first and second

times and referred to the Judiciary Committee.

FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, March 15, 1860.

Mr. President:-The Assembly on yesterday passed substitute for Assembly Bill, No. 275, An Act to extend the time for Collecting Taxes in the County of San Luis Obispo.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 275, An Act to extend the time for Collecting Taxes in the County of San Luis Obispo-was read first and second times.

On motion of Mr. De la Guerra, the rules were suspended, the bill read

a third time, and passed.

Mr. Phelps, of Committee on Engrossed Bills, made the following report:

Mr. PRESIDENT:-The Committee on Engrossed Bills have examined Senate Bill, No. 215, An Act to fix the Compensation of the County Judge of Tulare County;

Also, Senate Bill, No. 140, An Act for the Reclamation and Disposal of

the Swamp and Overflowed Lands;

Also, Senate Bill, No. 10, An Act to amend an Act entitled "An Act to provide for the Sale and Reclamation of the Swamp and Overflowed 29sen

Lands of this State," approved April twenty-first, one thousand eight hundred and fifty-eight.

And find the same correctly engrossed.

PHELPS, For Committee.

Report accepted.

On motion of Mr. Merritt, the special orders were taken from the table.
Mr. Lansing moved that the Senate do now adjourn.
Lost.

Mr. Crittenden, of Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee Enrolled Bills have examined Senate Bill, No. 9, An Act to Afford Protection to Immigrants to California, and have found the same correctly enrolled, and have this day taken the same to the Governor.

CRITTENDEN, .

For Committee.

Report accepted.

FURTHER SPECIAL ORDER.

Senate Bill, No. 171, An Act authorizing the Board of Supervisors of the County of Santa Cruz to Levy a Tax for Building Purposes—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Edgerton, the bill was made the special order for

Monday, March nineteenth, at twelve, M.

Mr. Merritt moved to make Senate Bill, No. 58, An Act to provide for the construction of the State Capitol in the City of Sacramento, the special order for to-morrow at half past eleven o'clock, A. M.

Mr. Leet moved to amend by making it the special order for Tuesday,

at twelve, M.

Mr. Clark moved to amend the amendment by making it the special order for Tuesday, at half past eleven, A. M.

Mr. Lansing moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Merritt, Lansing, and Denver, and taken with the following result: Ayes, 7—noes, 24:

AYES-Messrs. Crittenden Denver, Lansing, Redman, Sharp, Titus, and Wheeler-7.

Noes-Messrs. Anderson, Bradly, Clark, Chase, De la Guerra, Dickinson, Edgerton, Franklin, Haynes, Kirkpatrick, Leet, Logan, McDonald, Merritt, O'Farrell, Parks, Peachy, Phelps, Pico, Quinn, Ryan, Vance, Watkins, and Watson—24.

So the motion was lost.

The question recurring on Mr. Merritt's motion-

The ayes and noes were demanded by Messrs. Leet, Peachy, and Watson, and taken with the following result: Ayes, 16—noes, 17:

AYES—Messrs. Bradley, Ballou, Clark, De la Guerra, Dickinson, Haynes, Lansing, McDonald, Merritt, Parks, Peachy, Phelps, Pico, Redman, Ryan, and Watson—16.

Noes-Messrs. Anderson, Chase, Crittenden, Denver, Eagon, Edgerton, Franklin, Kirkpatrick, Lect, Logan, Parker, Quinn, Sharp, Titus, Vance, Watkins, and Wheeler-17.

So the motion was lost.

The question now recurring on the amendment to the amendment, it was carried.

Mr. Wheeler moved that the Senate do now adjourn.

Lost.

President pro tem. in the Chair.

FURTHER SPECIAL ORDERS OF THE DAY.

Senate Bill, No. 133, An Act to provide for the Issuance and Payment of Bonds for Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State.

Mr. Chase moved to make the above bill the special order for Wednes-

day, March twenty-first, at twelve, M.

Upon which the ayes and nocs were demanded by Messrs. Merritt, Ryan, and Parks, and taken with the following result: Ayes, 11—nocs, 22:

AYES-Messrs. Anderson, Chase, Crittenden, Dickinson, Edgerton, Lan-

sing, Leet, O'Farrell, Sharp, Titus, and Wheeler-11.

Noes-Messrs. Bradley, Ballou, Clark, De la Guerra, Eagon, Franklin, Haynes, Kirkpatrick, Logan, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman Ryan, Vance, Watkins, and Watson—22.

So the motion was lost.

Mr. Chase moved to make it the special order for to-morrow, at half past eleven, A. M.

Mr. Leet moved to recommit it to the Committee on Claims.

Mr. Merritt rose to a point of order: That a motion to postpone to a day certain takes precedence of a motion to recommit.

The Chair decided the point of order well taken.

The question recurring on Mr. Chase's motion, it was carried.

Mr. Wheeler moved that the Senate do now adjourn.

Lost.

Assembly Bill, No. 15, An Act granting the privilege to run a Steam Ferry between Vallejo and Mare Island to Edward Lougon and Thomas Thornton, their successors and assigns—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Edgerton, it was made the special order for Thursday, March twenty-second, at twelve, M.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, March 15, 1860.

Mr. PRESIDENT :- The Assembly has this day passed Assembly Concur-

rent Resolution, No. 60, Relative to pay of Clerk and Sergeant-at-Arms of Joint State Prison Committee.

R. K. WESTON.

Ass't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution, No. 60, Relative to pay of Clerk and Sergeant-at-Arms of the Joint State Prison Committee—was concurred in

On motion of Mr. Logan, Assembly Bill, No. 116, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State, was made the special order for to-morrow at twelve, M.

Mr. Sharp, Chairman of Committee on Public Expenditures, made the

following report:

Mr. President:—Your Committee on Public Expenditures, to whom was referred sundry petitions of a number of the citizens of this State, and also a memorial of the Sisters of Mercy, praying an appropriation of five thousand dollars to the Sisters of Mercy, to aid in founding and constructing a Magdalen Asylum, have had the same under consideration, and herewith report a bill for that purpose and recommend its passage without amendment.

SOL. A. SHARP,

Chairman.

Placed on file.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, March 15, 1860.

Mr. President:—The Assembly has this day passed Senate Bill, No. 32, An Act to Exempt from Taxation certain Property of the Masonic Hall Association.

R. K. WESTON,

As't Clerk of Assembly.

On motion of Mr. Merritt the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: David J. WILLIAMSON, Assistant Secretary of Senate.

IN SENATE.

SENATE CHAMBER, Friday, March 16, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journal of vesterday read and approved.

Preamble and resolutions relative to the Bulkhead, from the Chamber of Commerce of San Francisco, was read and referred to Special Committee on Bulkhead Matters.

PETITIONS.

Mr. Edgerton presented a petition from Henry P. Hoyt, praying for relief.

Referred to the San Francisco Delegation.

Mr. Sharp presented a memorial from the Mechanics' Institute, praying for an appropriation of five thousand dollars.

Referred to the Committee on Public Expenditures.

REPORTS.

Mr. Parks, of Committee on Enrolled Bills, made the following report:

Mr. President:-The Committee on Enrollment have examined Senate Bill, No. 124, An Act to provide for the Correct Report and Publication of the Decisions of the Supreme Court;

Also, Senate Bill, No. 132, An Act defining the number of Justices of the Peace in the City and Township of Placerville, in El Dorado County; Also, Senate Bill, No. 216, An Act authorizing and empowering the

County Recorder of Sonoma County to transcribe certain Records and to Legalize the same;

Also, Senate Bill, No. 105, An Act supplementary to, and amendatory of, "An Act concerning Offices," approved April twenty-eighth, one thou-

sand eight hundred and fifty-one;
Also, Senate Bill, No. 126, An Act to amend an Act entitled "An Act concerning the Office of Public Administrator and making it Elective,' approved April fifteenth, one thousand eight hundred and fifty-four.

And have found the same correctly enrolled, and have this day taken

the same to the Governor.

W. H. PARKS,

For Committee.

Mr. Parker, of the San Francisco Delegation, made the following report:

Mr. PRESIDENT: - The delegation from the Fifth Senatorial District, to whom was referred An Act to grant to certain parties the right of constructing a Road from Larkin Street to Point Lobos in the City and County of San Francisco, have had the same under consideration and recommend the passage of the same without amendment.

The same report as to Senate Bill, No. 96.

S. H. PARKER,

For the Delgation.

Placed on file.

Mr Sharp gave notice that, at an early day, he would make a minority report.

Mr. Titus, of the El Dorado Delegation, made the following report:

Mr. PRESIDENT:-The El Dorado Delegation, to whom was referred Assembly Bill, No. 147, An Act supplementary to an Act entitled "An Act to Incorporate the City of Placerville," approved May seventh, one thousand eight hundred and fifty-nine, have had the same under consideration, and report back the accompanying substitute and recommend its passage.

J. S. TITUS,

For the Delegation.

Placed on file.

On motion of Mr. Kirkpatrick, Senate Bill, No. 43, An Act to provide Revenue for the Support of the Government of this State, was made the special order for Thursday, March twenty-second, at twelve, M., and at the same hour every day thereafter, until disposed of.

On motion of Mr. Parks, Senate Bill, No. 140, An Act for the Reclamation and Disposal of the Swamp and Overflowed Lands, was made the

special order for Thursday, March twentieth, at twelve M.

On motion of Mr. O'Farrell, Senate Bill, No. 196, An Act to Appropriate Money for the Relief of Destituto Females in San Francisco, was made the special order for Tuesday, March twentieth, at half past eleven, A. M.

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 133, An Act to provide for the Issuance and Payment of Bonds for Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State—the bill being on its third reading—

Mr. Leet moved to make it the special order for Wednesday, March

twenty-first, at twelve, M.

Mr. Dickinson rose to a point of order: That on a simple motion to postpone to a day certain the merits of the bill cannot be discussed.

The Chair decided the point of order well taken.

Upon the motion before the Senate the ayes and noes were demanded by Messrs. Merritt, Ryan, and Vance, and taken with the following result: Ayes, 14—noes, 18:

AYES-Messrs. Anderson, Bradley, Chase, Crittenden, Denver, Dickinson, Eagon, Edgerton, Lansing, Leet, O'Farrell, Quinn, Titus, and Wheeler-14.

Noes-Messrs. Clark, Franklin, Haynes, Kirkpatrick, Logan, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Pico, Redman, Ryan, Sharp, Vance, Watkins, and Watson-18.

So the motion was lost.

Mr. Leet moved to recommit the bill to Senator Haynes, with the fol-

lowing special instructions:

Amend section first, by striking out all after the word "issued," in line ninth, and before the word "payable," in line twelfth, and insert the fol-

lowing:

The State Treasurer, Attorney-General of the State, and the Secretary of State, are hereby constituted a Board of Examiners, who are hereby required to examine all of the accounts and vouchers upon which the bonds and certificates called in by the provisions of this act were issued, and the said Board of Examiners shall have power to reject and disallow any portion, or all of the amount or amounts, set forth in accounts and vouchers upon which any and all of the said bonds and certificates were issued; and it shall be their duty to audit and allow such portion only of said claims as they may find correct and legal. And it is hereby made the duty of the Treasurer to issue to the parties surrendering bonds and certificates new bonds for such portion of the amount of said bonds

and certificates as may be allowed by said Board of Examiners created by this act.

Add, as an additional section, the following:

SEC. 5. No interest shall be allowed or paid by this State on any of the bonds issued under the provisions of this act after an appropriation has been made by Congress for the payment of the said bonds; provided, that if the appropriation made by Congress shall not be sufficient to pay the full amount of the bonds issued under the provisions of this act, then the interest shall be estopped on so much of said bonds as shall equal the said appropriation made by Congress to be applied to the redemption of said bonds in the order of number, and number in which they have issued.

Mr. Leet moved a call of the Senate.

Carried. Roll called.

Absent-Messrs. De la Guerra, Dent, Dickinson, Eagon, and Parker.

The Sergeant at-Arms was dispatched for absentees.

Mr. Parker appearing at the bar of the Senate, was admitted. Mr. Eagon appearing at the bar of the Senate, was admitted.

On motion of Mr. Edgerton, further proceedings under the call were dispensed with.

Mr. Phelps asked and obtained leave of absence for Mr. Dent, for three

Mr. Merritt called for a division of the question before the Senate.

On the first question, the ayes and noes were demanded, by Messrs. Vance, Ryan, and Lansing, and taken with the following result: Ayes, 13-noes, 20:

Aves-Messrs. Anderson, Chase, Crittenden, Denver, Dickinson, Eagon,

Edgerton, Lansing, Leet, O'Farrell, Quinn, Sharp, and Titus-13.

Noes-Messrs. Bradley, Ballou, Clark, Franklin, Haynes, Kirkpatrick, Logan, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Pico, Redman, Ryan, Vance, Watkins, Watson, and Wheeler-20.

So the first question was lost.

The question being on the second amendment, it was carried.

So the bill was so recommitted to Mr. Haynes.

FURTHER SPECIAL ORDER.

Assembly Concurrent Resolution, No. 53, Relative to Nevada Territory. On motion of Mr. Parks, the special orders were laid on the table.

Mr. Haynes made a verbal report in accordance with special instruc-

Adopted.

Mr. Lansing moved to recommit to the Committee on Finance, with the following special instructions:

Strike out the first section and insert the following:

Sec. 1. Eight cents per dollar on all the bonds issued, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of redceming all bonds issued under the provisions of an act entitled "An Act authorizing the Treasurer of State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State," approved April fifth, one thousand eight hundred and fifty-seven, and of the act amendatory thereof, approved March thirtieth, one thousand eight hundred and fifty-eight, and of the act amendatory thereof, approved April seventh, one thousand eight hundred and fifty-nine, and also, certificates of claims which are, or may be, audited and allowed by the Board of Examiners, as authorized by section four of said act and said amendatory acts, and for which no bonds shall have been issued.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Ryan, and Lansing, and taken with the following result: Ayes, 6-noes,

24:

AYES—Messrs. Crittenden, Kirkpatrick, Lansing, Leet, O'Farrell, and Titus—6.

Noes-Messrs. Bradley, Ballou, Clark, De la Guerra, Denver, Dickinson, Eagon, Edgerton, Haynes, Logan, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Ryan, Vance, Watkins, Watson, and Wheeler-24.

Mr. Anderson declined to vote.

So the motion to recommit was lost.

Mr. Clark moved that the main question be now put.

Lost.

Mr. Leet moved to recommit the bill to Mr. Ryan, with the following special instructions:

Strike out the word "seven," in line five, and insert in lieu thereof

the word "five."

Strike out all after the word "presentation," in section four.

Upon which, the ayas and noes were demanded, by Messrs. Leet, Anderson, and Lansing, and taken with the following result: Ayes, 11—noes, 22:

Ayes-Messrs. Anderson, Chase, Crittenden, Dickinson, Edgerton, Lan-

sing, Leet, O'Farrell, Sharp, Titus, and Watkins-11.

Noes-Messrs. Bradley, Ballou, Clark, De la Guerra, Eagon, Franklin, Haynes, Kirkpatrick, Logan, McDonald, Merritt. Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Ryan, Vance, Watson, and Wheeler-22.

So the motion was lost.

The question being on the passage of the bill, Mr. Lansing moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Denver, Merritt, Parker, and Watkins.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Denver appearing at the bar of the Senate, was admitted. Mr. Watkins appearing at the bar of the Senate, was admitted. Mr. Merritt appearing at the bar of the Senate, was admitted.

Mr. Vance moved that further proceedings under the call be dispensed with.

Lost.

Mr. Parker appearing at the bar of the Senate, was admitted.

On motion of Mr. Dickinson, further proceedings under the call were dispensed with.

The question being on the passage of the bill, Mr. Leet moved a call of

the Senate.

Carried.

Roll called.

Absent-Messrs. Anderson, Clark, Dickinson, Eagon, Vance, and Watkins.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Vance appearing at the bar of the Senate, was admitted.
Mr. Anderson appearing at the bar of the Senate, was admitted.
Mr. Watkins appearing at the bar of the Senate, was admitted.

Mr. Clark appearing at the bar of the Senate, was admitted.

On motion of Mr. Merritt, further proceedings under the call were dispensed with.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Ryan, Vance, and Lansing, and taken with the following result: Ayes, 18—noes, 13:

AYES—Messrs. Bradley, Ballon, Clark, Franklin, Haynes, Leet, Logan, McDonald, Merritt, Parker, Peachy, Phelps, Pico, Ryan, Sharp, Vance, Watkins, and Watson—18.

Noes-Messrs. Anderson, Chase, Crittenden, Denver, Dickinson, Edgerton, Lansing, O'Farrell, Parks, Quinn, Redman, Titus, and Wheeler-

13.

So the bill passed.

Mr. De la Guerra declined to vote.

Mr. Kirkpatrick paired off with Mr. Eagon.

Mr. Leet gave notice that on to-morrow he would move for a reconsid-

eration of the vote just taken.

Mr. Merritt moved to reconsider the vote whereby Senate Bill, No. 141, An Act to authorize certain Counties to retain the State's portion of the Poll-Tax, less that portion allowed by law to be paid into the General School Fund, and the State's portion of the Foreign Miner's License Tax, which shall be collected in the said Counties for the year one thousand eight hundred and sixty and sixty-one, to be applied to the Construction and Improvement of certain Wagon Roads over the Sierra Nevada.

Ordered engrossed.

Mr. Ballou moved to indefinitely postpone the motion to reconsider.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Ryan, and Denver, and taken with the following result: Ayes, 19—noes, 13:

AYES—Messrs. Anderson, Bradley, Ballou, Clark, Crittenden, Denver, Dickinson, Franklin, Kirkpatrick, Leet, McDonald, Merritt, O'Farrell, Parks, Quinn, Titus, Vance, Watkins, and Wheeler—19.

Noes-Messrs. Chase, De la Guerra, Haynes, Lansing, Logan, Parker,

Peachy, Phelps, Pico, Redman, Ryan, Sharp, and Watson-13.

So the motion was carried.

Mr. Merritt, gave notice that on to-morrow he would move for a reconsideration of the vote just taken.

On motion of Mr. Anderson, the special orders were taken from the table.

Mr. Mcrritt in the Chair.

FURTHER SPECIAL ORDERS.

Assembly Concurrent Resolution, No. 53, Relative to Nevada Territory—was, on motion of Mr. Chase, indefinitely postponed.

Mr. Bradley asked and obtained leave of absence for Mr. Eagon, for

two days.

Assembly Bill, No. 234, An Act to authorize Francis Schultze, Chancellor Hartson, and such others as they may see fit to associate with themselves, to build a Wharf at the foot of Main Street in Napa City in the County of Napa—was, on motion of Mr. Edgerton, made the special order for Friday, March twenty-third, at twelve, M.

Mr. Parker moved that the Senate do now adjourn.

Lost.

Senate Bill, No. 103, An Act for the erection of a Building for a State Reform School and for the Regulation of the same.

On motion of Mr. Parks, the bill was recommitted to a special com-

mittee of three, with the following special instructions:

Amend section two by striking out all after the word "conformity," in the sixth line of printed bill, and insert "with plans and specifications to be adopted as hereinafter provided."

Amend section four by inserting the following as a substitute:

They shall, within ten days after the approval of their bond, organize by electing from their number a President and Secretary of the Board of Trustees:

Also, a Superintendent, whose duty it shall be to superintend all general business, subject to the order and control of the Board of Trustees, who shall receive such salary as the Board of Trustees may deem proper; provided, the amount so allowed, together with the amount received as Trustee, shall not exceed two hundred dollars per month, provided further, that his term of office, as such Superintendent, shall expire at the completion of said building. They shall, immediately after organization, advertise for plans and specifications in two or more daily newspapers published in this State, at the expiration of which time they shall adopt from the number presented such plans and specifications as they may deem proper, and pay for the same; provided, they shall not pay to exceed five hundred dollars, for any plan and specifications.

Amend section five, by striking out all between the words "within," and "place," in first line, and insert "ten days after the adoption of said

plan and specifications."

Amend section fifteen, by striking out the word "sixty," in the first

and sixth lines, and insert the word "thirty."

The Chair appointed as such special committee, Messrs. Parks, Clark, and Edgerton.

Mr. Leet moved that the usual number of copies of the bill be ordered

printed, as amended.

Lost.

The reconsideration of vote whereby the resolution allowing the Clerk and Sergeant-at-Arms of the Special Capitol Committee one week's pay each, and mileage, was indefinitely postponed.

Upon the reconsideration of which, the ayes and noes were demanded, by Messrs. Redman, Lansing, and Quinn, and taken with the following

result: Ayes, 19-noes, 12:

AYES—Messrs. Bradley, Ballou, Clark, Chase, Crittenden, Denver, Dickinson, Edgerton, Lansing, Logan, McDonald, Parker, Peachy, Phelps, Ryan, Sharp, Vance, Watkins, and Watson—19.

Noes-Messrs. Anderson, De la Guerra, Franklin, Kirkpatrick, Leet,

Merritt, O'Farrell, Parks, Pico, Quinn, Redman, and Wheeler-12.

So the vote was reconsidered.

On motion of Mr. Watkins, the resolution was amended by striking out "seven," and inserting "five," and the resolution as amended, was then adopted.

Mr. Quinn moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded, by Messrs. Lansing, Dickinson, and Redman, and taken with the following result: Ayes, 8—noes, 24.

AYES-Messrs. Bradley, Chase, Crittenden, Edgerton, Kirkpatrick,

Lansing, Quinn, and Wheeler-8.

Noes-Messrs. Anderson, Ballou, Clark, De la Guerra, Denver, Dickinson, Franklin, Haynes, Leet, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Phelps, Pico, Redman, Ryan, Sharp, Titus, Vance, Watkins, and Watson—24.

So the motion was lost.

Senate Bill, No. 120, An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to provide for the support of the Government of this State," approved May fifteenth, one thousand eight hundred and fifty-four, approved April twenty-seventh, one thousand eight hundred and fifty-five—was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in, bill ordered engrossed, and read a third time.

FURTHER SPECIAL ORDER.

Assembly Bill, No. 116, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State—was, on motion of Mr. Anderson, made the special order for to-morrow,

at twenty minutes past eleven o'clock, A. M.

Mr. Ballou, by leave, introduced a bill for an act entitled An Act amendatory of, and supplementary to, an Act entitled "An Act amendatory of 'An Act to provide Revenue for the Support of the Government of this State,'" approved April nineteenth, one thousand eight hundred and fifty-six.

Read first and second times, and referred to the Committee on Finance. Mr. Sharp, of San Francisco Delegation, made the following report:

Mr. President:—The undersigned, member of your committee, to whom was referred substitute for Senate Bill, No. 96, entitled An Act to grant to certain parties the Right of Constructing a Road to Point Lobos, in the City and County of San Francisco, having fully considered the same, make report thereof, and recommend its passage, with the following amendments.

Amend section seco 1, line first, after word "grade," insert words

"and plank, or pave, . MacAdam."

Section second, it ast line, after the word "feet," insert "provided, that after the expiration of five years from the passage of this act the said company shall at their own expense, plank, or pave, or MacAdam, and keep in repair during the time mentioned in section sixth of this act, the whole width of Bush Street (with the exception of the sidewalk), from Larkin Street to the said western boundary of the city of San Francisco."

Section fifth, line first, strike out word "Government" and insert the words "the Board of Supervisors."

Section sixth, line second, strike out the word "fifteen" and insert the

word "ten."

SOL. A. SHARP.

Placed on file.

Mr. Sharp, of San Francisco Delegation, made the following report:

Mr. President:—The undersigned, member of your Committee to whom was referred substitute for Assembly Bill, No. 17, entitled An Act to grant to certain parties the right to construct a Road to Point Lobos, in the City and County of San Francisco, having fully considered the same, makes report thereof, and recommends its passage with the following amendments:

Amend section second, line first, after the word "grade," insert words

"and plank, or pave, or MacAdamize."

SEC. 2. In last line, after word "feet," insert "provided, that after the expiration of five years from the passage of this act, the said company shall, at their own expense, plank, or pave, or MacAdam, and keep in repair, during the time mentioned in section sixth of this act, the whole width of Bush Street (with the exception of the side walks), from Larkin Street to the western boundary of the city of San Francisco."

Section fifth, line first, strike out word "government" and insert

words "the Board of Supervisors."

Section sixth, line third, strike out word "fifteen" and insert word "ten"

SOL. A. SHARP.

Placed on file.

Mr. Dickinson gave notice that on to-morrow he would introduce Rule Forty-Seven, for the better government of the proceedings of the Senate.

Mr. De la Guerra, by leave, introduced a bill for an act entitled An Act Appropriating Moneys for the benefit of certain Orphan Asylums in this State.

Read first and second times and referred to the Committee on Finance. Mr. Parker, of San Francisco Delegation, made the following report:

Mr. President:—The delegation from the Fifth Senatorial District, to whom was referred Senate Bill, No. 183, An Act for the Relief of Henry C. Hoyt and his Assignee, have had the same under consideration, and recommend the passage of the bill with the following amendments:

Section one, line three, strike out the words "and directed."

Section two, strike out whole section. Section three, strike out whole section.

Section four, strike out whole section.

SOL. A. SHARP, S. H. PARKER.

Placed on file.

On motion of Mr. Titus, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,

Saturday, March 17, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Edgerton presented a petition from citizens of Napa County, praying for the passage of An Act granting the right to construct a Turnpike Road in Napa County.

Referred to the Committee on Roads and Highways.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Committee on Judiciary, to whom was referred Assembly Concurrent Resolution, No. 31, Relative to New Almaden Mine, have had the same under consideration, and recommend its passage, Messrs. Edgerton and Sharp dissenting—Mr. Anderson not present.

MERRITT,

Chairman.

Placed on file.

Mr. Wheeler moved to make the resolution the special order for Monday, March nineteenth, at half-past eleven, A. M.

Upon which, the ayes and noes were demanded, by Messrs. Leet, Merritt, and Chase, and taken with the following result: Ayes, 17—noes, 12:

AYES—Messrs. Bradley, Clark, De la Guerra, Haynes, Logan, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Ryan, Watson, and Wheeler—17.

Noes—Messrs. Anderson, Chase, Crittenden, Denver, Dickinson, Franklin, Kirkpatrick, Leet, Sharp, Titus, Vance, and Watkins—12.

So the motion was carried.

SPECIAL ORDER.

Assembly Bill, No. 116, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State—was considered in Committee of the Whole.

IN SENATE.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Dickinson, Kirkpatrick, and Clark, and taken with the following result: Ayes, 25—noes, 5:

AYES—Messrs. Anderson, Bradley, Clark, Chase, Crittenden, De la Guerra, Denver, Dickinson, Eagon, Edgerton, Franklin, Haynes, Leet, Logan, McDonald, Parks, Peachy, Phelps, Redman, Ryan, Titus, Vance, Watkins, Watson, and Wheeler—25.

Noes-Messrs. Kirkpatrick, Lansing, Pico, Quinn, and Sharp-5.

So the bill passed.

REPORTS.

Mr. Watkins, Chairman of Committee on Claims, made the following report:

Mr. PRESIDENT:—The Committee on Claims have had under consideration the claim of J. J. Lecount, for Stationery furnished the Supreme Court in one thousand eight hundred and fifty-six, and recommend that it be audited and allowed.

WATKINS, Chairman.

Placed on file.

Mr. De la Guerra, Chairman of Committee on Finance, made the following report:

Mr. President:—Your Committee on Finance, to whom was referred Senate Bill, No. 184, An Act making Appropriations for Deficiencies in Appropriations made for the Tenth Fiscal Year, ending June thirtieth, one thousand eight hundred and fifty-nine, and for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty, have had the same under consideration, and report the bill back, with accompanying amendments, and recommend its passage as amended;

Also, Senate Bill, No. 220, An Act to amend an Act entitled "An Act

Also, Senate Bill, No. 220, An Act to amend an Act entitled "An Act to provide for Paying certain Equitable Claims against the State of California, and to Contract a Funded Debt for that purpose," and report the

bill back, without amendment, and recommend its passage

PABLO DE LA GUERRA,

Chairman.

Placed on file.

On motion of Mr. Clark, the rules were suspended, and Senate Bill, No. 184, just reported, was taken up and considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

Mr. Bradley offered the following amendment:

"For Salary of Controller, six hundred and thirty-two dollars."

Mr. Dickinson offered the following amendment:

"For Contingent Expenses of Assembly, six thousand dollars."

On motion of Mr. Phelps, the rules were further suspended, the bill considered engrossed, read a third time and passed, and the Forty-Fifth Rule was suspended, and the bill transmitted to the Assembly.

Mr. Parks, of Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee on Enrollment have examined Senate Bill, No. 32, An Act to exempt from Taxation certain Property of the Masonic Hall Association, and have found the same correctly enrolled, and have this day taken the same to the Governor.

W. H. PARKS, Of Committee.

Report accepted.

Mr. Anderson, Chairman of Special Committee on Bulkhead Affairs, made the following report:

Mr. PRESIDENT:—The Special Committee to whom was referred Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead in the City and County of San Francisce, have had the same under consideration, and the majority of said committee herewith return said bill, with the following

report upon the same:

As is shown by the surveys of the United States Topographical Corps and of James P. Robinson, Civil Engineer, between the years one thousand eight hundred and fifty-three and one thousand eight hundred and sixty, outside the water line, as established by the Legislature of one thousand eight hundred and fifty-one-and which stand as undisputed facts-the increase of mud on the city front of the city of San Francisco has been as follows: At Vallejo Street, fourteen feet; at Pacific Street, eighteen feet; at Jackson Street, twenty-five feet; at Washington Street, twenty-three feet; at Clay Street, thirty feet; at Commercial Street, sixteen feet; at Market Street, twenty feet; at Mission Street, sixteen feet. In the opinion of the undersigned, a shoaling of the waters of the harbor of San Francisco so unprecedented can only be attributed to the filling in of the water lots and streets immediately back of the said line of the city front and within the limits of said city, as fixed by said act of one thousand eight hundred and fifty-one. We find as inevitable results from these physical facts, that unless a substantial and permanent retaining wall shall be constructed, that will hold and retain the loose material with which the water lots and streets are filled up, it will be utterly impossible to maintain the integrity of the city front, as established by the act of one thousand eight hundred and fifty-one, and that the shoaling now going on will rapidly increase, until, at no distant period, the anchorage ground outside said city front will be wholly destroyed, and the approach of all classes of shipping will be rendered totally impracticable. That, in the present condition of things, the warehouses are necessarily located at a long distance from the water line front and the place of lading and unlading of ships, thereby compelling an unnatural and expensive movement of all merchandise to the warehouses from ships arriving at San Francisco, and again compelling another like movement of the same merchandise on distributing it to the consumers in the interior; that thus a very heavy charge upon the consumer is placed upon all merchandise passing through the port of San Francisco.

That it is one of the primary objects in the present system of trade to cheapen the charges on merchandise in transitu; that by the proper construction of this work, warehouses can be constructed near the water line front, thereby bringing the vessel and the warehouse into close proximity, and thus lessening, in a great degree, the charges upon all merchan-

dise passing through that port.

It is estimated that there is nearly a million tuns of merchandise passing through that port per annum; and if the warehouses were placed as they should be, the saving to the consumer in the State at large would be one half dollar per tun, thereby producing to the people of this State an economy of at least five hundred thousand dollars each year. To accomplish this end at other places, some of the most expensive and extensive public improvements of the present period have been undertaken and carried on in the cities of our own and other countries; for example, the Atlantic Dock at Brooklyn, costing one million of dollars; the basin and pier at Albany; the Birkenhead Docks, opposite Liverpool, costing over thirty millions of dollars; the London Docks, costing twenty millions; the St. Katherine's Docks, the East and West India Docks, and Victoria Docks—all costing enormous sums of money.

These are comparatively few instances to those we might enumerate, showing the efforts that are made to cheapen the cost to the consumer of all articles of consumption. All these improvements have been undertaken and completed by private companies acting under legislative enactments securing to them a safe guarantee for the capital invested, and, in some instances a return of a fixed rate of interest upon their capital. Legislative committees by whom this subject has been previously considered have taken a similar view, and have reported favorably upon bills embracing the general features of the one before us, as will appear by the following synopsis:

A bill providing for the construction of a sea-wall or bulkhead, similar in its provisions to the one now before the Legislature, was introduced at the session of one thousand eight hundred and fifty-eight. The Committee on Commerce and Navigation unanimously reported in its favor. (See Senate Journals of one thousand eight hundred and fifty-eight, p.

At the same session, a bill providing for a bulkhead, and also an extension of the city front, was introduced, and its rejection unanimously recommended by the committee to whom the same was referred Among the names of the applicants for that franchise were those of some of the most prominent and active persons now in opposition to the building of a

bulkhead, and to the present bill.

In one thousand eight hundred and fifty nine, also, a bill similar to the present one was introduced and referred to the Committee on Commerce and Navigation, which committee reported in favor of its passage. At the same time another bill for a bulkhead and an extension of the city front was introduced. The committee again recommended its indefinite postponement. The applicants for this franchise are now also among the most prominent and active opponents of the bill now before the Legislature.

At the same session of one thousand eight hundred and fifty nine a bill similar in its provisions to the one had under consideration by your committee, was introduced in the Assembly, and a select committee of five were appointed to proceed to San Francisco, and report as to the necessity of a bulkhead and abutment wall along the front of the city of San Francisco. This committee spent ten days actively engaged in taking Four of the committee reported in favor of the immediate necessity for the construction of the work contemplated in the present bill; the other member of the committee admitted the necessity of the work, but thought the requirement not immediate.

Therefore, we herewith return the bill with the annexed amendments,

and recommend that the same, when so amended, be passed.

Amend section two as follows:

Strike out after the words "in width," in the written bill, the words "aforesaid, and also the wharfs and piers hereinafter by this act provi-

ded for," and insert the words, "hereinafter referred to."

Between the words, "with" and "and," seventh line, insert "except from Pacific to Clay Street, it shall be located one hundred and ten feet outside of said water line, said space to be used for the purposes of a public street, as well as a bulkhead, and from Clay to Market Street, it shall be located on a line running from the outside line of Clay Street to the outside line of East Street, at Market."

Amend the same section, (two) by adding thereto, the following:

[&]quot;Provided, that said bulkhead, or sea-wall, throughout its entire length

and breadth, shall be, and remain forever, a public street or thorough-fare."

Amend section four, fourth line, by striking out the word "upon," and insert therefor, "in case on the actual construction of said work."

Strike out section six, and add the following:

"After the first and second sections of said bulkhead or sea-wall shall have been completed, a third section shall be constructed, which shall consist of all the line referred to in section two of this act, after deducting the first and second sections of the work, as referred to in section four, which shall be constructed upon the same terms, and within the same periods of time, as provided for the construction of the first section."

Amend section seven as follows:

Add, after the word "law," line twenty-second, "It shall not be in the power of said Dock and Wharf Company, or of the city of San Francisco, or of the Board of Supervisors of the city and county of San Francisco, to take from the proprietors of water lots, along the said water front, who are in possession under deeds executed by the State of California, or the Land Commissioners of said State, any of said lots, without first providing for just compensation, as provided for in said railroad laws."

Amend section nine, by adding in line two, printed bill, before the period, the following:

"And, provided, also, that said bulkhead shall be constructed entirely of stone."

Amend section ten, by striking out in the fifth line, printed bill, the words "or sheds," and inserting between the words "offices" and "toll," in the same line, the word "and."

Amend section eleven, by inserting, line two, printed bill, in the blank,

the word "seven."

Amend same section by adding thereto, "said bulkhead, or sea-wall, and all structures, wharfs, and property, of every description, appurtenant thereto, shall be assessed and taxed for State purposes."

Amend section seventeen, by adding thereto, "all the rights, privileges, franchises, works, and structures, referred to in this act, or appurtenant thereto, shall revert to the State of California, free of cost or charge, at the expiration of fifty years from the passage of this act."

ANDERSON,
Chairman.
WATKINS,
EDGERTON.

On motion of Mr. Clark, the further reading was dispensed with, and report, together with minority report and testimony taken by committee, was ordered printed.

On motion of Mr. Anderson, the bill reported therein was made the special order for Thursday, March twenty-second, at twenty-five minutes after eleven, A. M., and each day thereafter, at the same hour until disposed of.

Mr. Peachy gave notice that on Monday he would make a minority

report.

FURTHER SPECIAL ORDER OF THE DAY.

Senate Bill, No. 186, An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States—was, 302EN

on motion of Mr. Edgerton, made the special order for Saturday, March

twenty-fourth, at one, P. M.

Assembly Bill, No. 61, An Act to Appropriate Money to pay R. A. Thompson and Ferris Forman for Services and Expenses incurred as Commissioners from the State of California to the President of the United States—was considered in Committee of the Whole.

IN SENATE.

The ayes and noes were demanded on the passage of the bill, by Messrs. Leet, Lansing, and Titus, and taken with the following result: Ayes, 22—noes, 8:

AVES-Mosses, Anderson, Bradley, Chase, Crittenden, De la Guerra, Eagon, Edgerton, Franklin, Haynes, Kirkpatrick, Lansing, Logan, Me-Donald, Merritt, O'Farrell, Peachy, Pico, Quinn, Sharp, Titus, Vance, and Watson—22.

Nons-Messrs, Denver, Dickinson, Leet, Parker, Parks, Pholps, Red-

man, and Wheeler-8.

So the bill passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, March 17, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 124. An Act to provide for the Correct Report and Publication of the Decisions of the Supreme Court.

JOHN G. DOWNEY,

Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, March 16, 1860.

Mr. PRESIDENT:—The Assembly on yesterday passed Assembly Bill, No. 162, An Act to regulate Pawnbrokers in this State and to Define their Liabilities;

Also, Senate Bill, No. 73. An Act amendatory of, and supplementary to, "An Act to Grant the Right to Construct and Maintain a Bridge across Feather River," approved April twenty-sixth, one thousand eight hun-

dred and fifty-eight;

Also, refuses to recede from its amendment to Senate Bill. No. 49, An Act to Fix the Compensation of the District Attorney of Napa County, and have appointed as Committee of Free Conference on the part of the House, Messrs. Coombs, Conness, and Shannon, and ask the appointment of a similar committee on the part of the Senate.

R. K. WESTON,

Ass't Cl'k of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 162, An Act to Regulate Pawnbrokers in this State, and to Define their Liabilities-was read first and second times and

referred to the Judiciary Committee.

The Chair appointed as Committee of Free Conference, to confer with committee on part of the Assembly, in reference to Senate Bill, No. 49, An Act to Fix the Compensation of the District Attorney of Napa County, Messrs. Edgerton, Parks, and Kirkpatrick.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

March 17, 1860.

Mr. PRESIDENT :- The Assembly, on the fourteenth instant, passed Assembly Bill, No. 238, An Act to authorize the Board of Supervisors of the City and County of Sacramento to allow, and the Auditor to audit, a Claim of Thomas C. Faris;

Also, on yesterday passed Senate Bill, No. 187, An Act to Change the Name of the Town of Union to that of the Town of Arcata.

R. K. WESTON,

Ass't Cl'k of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 238, An Act to authorize the Board of Supervisors of the City and County of Sacramento to allow, and the Auditor to audit, the Claim of Thomas C. Faris-was read first and second times and referred to the Sacramento Delegation.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER.

March 17, 1860.

Mr. PRESIDENT :- The assembly, on the twelfth instant, passed Assembly Bill, No. 300, An Act to Reincorporate the City of Los Angeles;

Also, on the fifteenth instant, Assembly Bill, No. 269, An Act to authorize the sale of Real Estate of the late Wm. E. P. Hartnell, Deceased:

Also, Assembly Bill, No. 260, An Act supplementary to "An Act concerning Crimes and Punishments," which took effect May sixth, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 231, An Act to enable a Minor therein named to partition or sell Real Estate;
Also, Assembly Bill, No. 228, An Act fixing the Salary of the Register of the State Land Office.

R. K. WESTON,

As't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 300, An Act to Reincorporate the City of Los An-

g les-was read first and second times, and referred to the Los Angeles

Delegation.

Assembly Bill, No. 269, An Act to authorize the sale of Real Estate of the late Wm. E. P. Hartnell, Deceased—was read first and second times.

On motion of Mr. De la Guerra, it was referred to a special committee of three.

The Chair appointed as such committee, Messrs. De la Guerra, Logan, and Haynes.

Assembly Bill, No. 269, An Act supplementary to "An Act concerning Crimes and Panishments," which took effect May sixth, one thousand eight hundred and fifty—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 261, An Act to enable a Minor therein named to partition or sell Real Estate—was read first and second times, and re-

ferred to the Judiciary Committee.

Assembly Bill, No. 228, An Act fixing the Salary of the Register of the State Land Office—was read first and second times, and referred to the Committee on Public Lands.

Mr. Peachy, by leave, introduced a bill for an act entitled An Act for

the Relief of the heirs of Pierre Maurin, Deceased.

Read first and second times, and referred to the Judiciary Committee.
Mr. Watson, Chairman of the Committee on Federal Relations, made
the following report:

Mr. Parsident:—The Committee on Federal Relations, to whom was referred Senate Bill, No. 210, An Act to define and establish a portion of the Eastern Boundary of the State of California, have had the same under consideration, and ask leave to report favorably on the same, and recommend its passage without amendment.

JNO. H. WATSON,

Chairman.

Placed on file.

On motion of Mr. Watson, the bill just reported, was made the special order for Tuesday, March twentieth, at twelve, M. and the usual number

of copies ordered printed.

Mr. Leet moved to make the motion to reconsider the vote whereby Schate Bill, No. 133, An Act to provide for the Issuance and Payment of Bonds for Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State, was passed on yesterday, the special order for Wednesday, March twenty-first, at twelve, M.

Mr. Vance moved to indefinitely postpone the motion to reconsider.

Mr. Merritt rose to a point of order: That a motion to make a special

order took precedence of motion to indefinitely postpone.

The Chair decided the point of order well taken.

Mr. Logan moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Ballou, Denver, and Parker.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Parker, appearing at the bar of the Senate, was admitted. Mr. Denver, appearing at the bar of the Senate, was admitted.

On motion of Mr. Phelps, further proceedings under the call were dispensed with.

The question being on making the motion to reconsider the special

order for Wednesday, March twenty-first, at twelve, M. the ayes and noes were demanded, by Messers. Ryan, Leet, and Lansing, and taken with the following result: Ayes, 16-noes, 16:

Ayes-Messrs, Anderson, Bradley, Crittenden, Denver, Dickinson, Eagon, Edgerton, Franklin, Lansing, Leet, O'Farrell, Quian, Sharp, Titus, Watkins, and Wheeler-16.

Nors-Messrs, Clark, De la Guerra, Haynes, Kirkpatrick, Logan, Me-Donald, Merritt, Parker, Parks, Peachy, Phelps, Pico, Redman, Rvan,

Vance, and Watson-16.

So the motion was lost,

Mr. Watkins moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs, Merritt, Ryan, and Vance, and taken with the following result: Ayes, S--noes, 23;

Ayrs-Messrs, Denver, Haynes, Leet, Quinn, Sharp, Watkins, Watson, and Wheeler-8.

Nors-Messrs. Anderson, Bradley, Clark, Crittenden, De la Guerra, Dickinson, Eagon, Edgerton, Franklin, Kirkpatrick, Lansing, Legen, McDonald, Morritt, O'Farrell, Parks, Peachy, Phelips, Pico, Recham, Ryan, Titus, and Vance-23.

So the motion was lost.

Mr. Lansing moved to make the motion to reconsider the special order for Tuesday, March twentieth, at twelve, M.

Pending the discussion of which, Mr. Phelps moved the previous ques-

tion, which was sustained.

The question being shall the main question be now put, it was carried. First question being to make the motion to reconsider the special order for Tuesday, March, twentieth, at twelve, M. the ayes and nees were demanded, by Messrs. Lausing, Leet, and Vance, and taken with the following result: Ayes, 14-noes, 19:

Ayes-Messrs, Anderson, Bradley; Chase, Crittenden, Denver, Dickinson, Eagon, Edgerton, Lansing, Quinn, Sharp, Titus, Watkins, and Wheeler-14.

Nors-Messrs, Clark, De la Guerra, Franklin, Haynes, Kirkpatrick, Leet, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Redman, Ryan, Vance, and Watson-19.

So the first question was lost.

The question now recurring on the motion to reconsider the vote by which the bill passed, the ayes and noes were demanded, by Messrs, Ryan, Leet, and Lansing, and taken with the following result: Ayes, 15noes, 16:

Aves-Messrs, Anderson, Chase, Crittenden, Denver, Dickinson, Edgerton, Kirkpatrick, Lansing, Leet, O'Farrell, Quinn, Redman, Sharp, Titus, Watkins, and Wheeler-16.

Nors-Messrs. Bradley, Dela Guerra, Eagon, Franklin, Haynes, Logan, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Pico, Ryan, Vance, and Watson-16.

So the motion was lost.

Mr. Logan, of Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill. No. 129, An Act amendatory of an Act entitled "An Act to amend an Act entitled "An Act to provide for the Support of the Government of this State," approved May fifteenth, one thousand eight hundred and fifty-four, approved April twenty-seventh, one thousand eight hundred and fifty-five.

LOGAN,
For Committee.

Report accepted.

INTRODUCTION OF BILLS.

Mr. Merritt, by leave, introduced a bill for an act entitled An Act to provide for the safe and speedy Transportation of the State Funds from the Offices of the County Treasurers to the State Treasury.

Read first and second times, and referred to the Committee on Finance.

Mr. Edgerton, by leave, introduced a bill for an act entitled An Act to
authorize Peter H. Albretsen to construct a Turnpike Road in the County
of Napa.

Read first and second times, and referred to the Committee on Roads

and Highways.

On motion of Mr. Peachy, Assembly Bill, No. 17, An Act to grant to certain Parties the right of Constructing a Road to Point Lobos in the

City and County of San Francisco;

Also, Senate Bill, No. 96, An Act to grant to certain Parties the right of Constructing a Road from Larkin Street to Point Lobos in the City and County of San Francisco, were made the special order for Wednesday, March twenty-first, at half past eleven, A. M.

On motion of Mr. Kirkpatrick, the Senate adjourned.

I. N. QUINN, President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Monday, March 19, 1860.

Senate met pursuant to adjournment. President in the Chair.

Roll called.

Journal of Saturday read and approved.

REPORTS.

Mr. Watkins, Chairman of Committee on Claims, made the following report:

Mr. President:—Your committee to whom was referred the claim of Edwin R. Campbell, for compensation as State Registrar, having fully investigated the same, beg leave to report that they consider that said claimant is equitably entitled to a compensation of one hundred dollars

per month during his continuance in said office, after deducting from the same the amount received by him from the Registration Fund in the State treasury, as per the certificate herewith appended. Your committee accordingly report the accompanying bill providing for the same, and recommend its passage.

Your committee would further report, that agreeing fully with the statement made in said State Registrar's Annual Report, that the execution of the law is at this time impracticable, if not impossible—they recommend the repeal of the act providing for the registration of mar-

riages, births, deaths, divorces, etc., in California.

WATKINS, Chairman.

On motion of Mr. Watkins, the bill just reported was read first and second times, and placed on file.

Mr. O'Farrell, Chairman of the Committee on Public Lands, made the

following report:

Mr. President:—Your Committee on Public Lands, to whom was referred Assembly Bill, No. 228, An Act fixing the salary of the Register of the State Land Office, have had the same under consideration, and recommend its passago.

O'FARRELL. Chairman.

Placed on file.

Mr. Titus, of Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 141, An Act to authorize certain Counties to retain the State's portion of the Poll-Tax, less that amount authorized by law to be paid into the General School Fund, and the State's portion of the Foreign Miners's License Tax, which shall be collected in the said Counties for the year one thousand eight hundred and sixty, and for the year one thousand eight hundred and sixty-one, to be applied to the Construction and Improvement of certain Wagon Roads over the Sierra Nevada, and find the same correctly engrossed.

TITUS.

For the Committee.

Report accepted.

Mr. Bradley, of Committee on Counties and County Boundaries, made the following report:

Mr. President:—The Committee on Counties and County Boundaries, to whom was referred Senate Bill, No. 78. An Act to alter and define the Boundary Line of Yuba County, have had the same under consideration, and report the bill back, with a substitute, and recommend the passage of the substitute.

B. T. BRADLEY,

For Committee.

On motion of Mr. Vance, the rules were suspended, and the substitute adopted, bill considered engrossed, read a third time and passed, and the Forty-Fifth Rule suspended, and the bill transmitted to the Assembly.

Mr. Peachy, of Special Committee on Bulkhead Affairs, made the fol-

lowing minority report:

Mr. President:—The unier signed, a minority of the special committee to whom was referred Senate Lift No. 167, entitled An Act in relation to a Sea Wall or Bulkhead in the City and County of San Francisco, report thereon as follows:

Since the decision of a majority of the committee for prolorsigned have been so much engaged in personal attendance at the sees are of the Senate that they have been unable to incorporate in this report all their objections to this bid. But they regerd this as a matter or little moment, for the project leaving been before the Legislatia. Year after year four consecutive sessions, has given rise to so much argument in the

legislative halls and the public press that it is well understood.

The projectors of this schedule, unballed by dofind in four successive Legislatures, and made, shouly the records so not plant. By administered to them on these occasions, and more recently by the fine nive Department of this State, persist in their after personal this measure. If it be true, as stated by or soft the Trustees of the Sun Francisco Dock and Wharf Company, on his commination before the committee that since its organization the company has engal to in no business whatsoever, save in the business of end avoning to obtain a grant from the Legislature at the privileges, first lives, rights, and properties, embraced in this bill, sold it notes be confessed they have not been iffer

The projectors of this scheme, whether in their in lividual or corporate phase, have for many years be a get to bear upon its per age through the Legislature all the means which intellect craft, and foresight, could devise. These means have realised their utams to deliney through organization and system, and they have been stimulated to the highest degree of action by the vast treasure which lies on the very threshold of speces.

In the opinion of the uncoverigned the foregoing remarks are pertinent and argumentative. They are intended to call to mind the fact that for the many years during whith this scheme has been aften, there has been a systematic attempt on the part of its projectors to procure evidence in favor of the necessity of a brick and to bring about as a horsessity, if that were possible. They have acted on the offensive throughout. They are the vulture interest. They have probable of their facts, their testimony, and arguments, to meet the exigencies of their case. They have done all that in genuity, money, system, time, confination, and a prize of inestimable value, could enable them to accomplish.

On the other hand, the circ of Son Francisco, like all other large communities which it is designed to plunder, has conducted its desense spasmodically. It has organized its forces under the enough signus, and drilled its militia under the fire of the trained soldners of the bulkhead. It has roused itself on the occasion sudden to meet the danger when most imminent, and relap colinto incremess when the assolutes have been repelled. But despite the want of forceast and systematic opposition on the part of the city of Son Francisco, the undersigned are persuaded that it has been demonstrated beyond a reasonable doubt that the sea wall, or bulkhead, preposed by this bill, regarded in the light of an improvement to the harbor, is unnecessary in the first place, and impracticable in the second.

But if such were not the case—if a bulkhead such as is proposed were essential to the improvement and preservation of the harbor—if it could be shown by actual and careful survey that such a structure is practicable, still the bill before us is a hold attempt to defraud individuals and the public of their just rights, and to impose upon them a monstrous barden of political and commercial oppression.

This bill proposes practically to grant to a private company, composed of a few individuals, a belt of land one hundred and ten feet in width, and another belt of twety-five feet in width oatside thereof, extending around the entire water front of the city of San Francisco, a distance of nearly five miles, with the exclusive right to levy and collect wharfage, dockage, and all other charges to which merchandise and persons are usually subjected in entering or departing from seaport towns. The amount of capital contemplated by the bill to be necessary for the business is five million dollars. Nor is this all. This immense grant is to be given to a company which, in addition to the enjoyment of the privileges and franchises conferred by this bill, is organized for the purpose, as expressed in its articles of incorporation, of carrying on the business of warehousing; so that, with the business for which the company was originally organized under the general corporation laws and the rights and powers embraced in this bill, the company will enjoy a monopoly in trade and commerce, of

which history furnishes no parallel.

The warehousing business alone is one of the most important branches of commercial enterprise in every scaport commercial town. In San Prancises the capital invested in it is immense. Warehouses, built at great cost, line its entire present business front. Thousands of enterprising business men are engaged in this occupation, whose forcures and the support of whose families depend upon its successful and continued pursuit. This bill proposes to wrest from this large and respectable class the whole of this important branch of commerce, to destroy their propcrty, to rain their fortunes, and to confer a monopoly of the basic or for fifty years on the Dock and Wharf Company. Warehouses creeted on the wharves, which may be constructed to the width of twenty-five feet along the entire front of the city, and on the piers or wharves running at right angles six hundred feet into the bay, and which are untimited in width, will effectually monopolize all the storage and warehousing; for what private person, who is obliged either to purchase a lot on which to build a warehouse, or who pays a fair rent to his landlord, can compete with this company, whose buildings are erected on premises which cost nothing, and located so much more conveniently to the whart landing. A monopoly so vast and monstrous would not have been submitted to even in the almost absolute reigns of Elizabeth and James I. Monophes not a hundredth part as oppressive produced the famous act of Parliament on the subject in the reign of the latter, and in defiance of the Crown. More than two centuries and a quarter have since clapsed, during which period Great Britain has been unrelaxing in her efforts to remove every vestige of special privileges giving one subject an advantage over his fellow-subject in the business pursuits of life.

Nor is there any one subject on which the American political and social sentiment is more firmly united. It is enough to say, that so deep seated is the opposition to all monopolies in the minds of the people of California, that a positive prohibition against creating special corporations is engrafted on the Constitution of the State. The main, and only reason urged, in the report of the majority of the committee, for so grave a violation of justice and of acknowledged principle, as the passage of this bill would involve, is the necessity of a solid wall, or barrier, on the water front of the city, for the preservation of its harbor; and it would seem that they deem this necessity so imperative as to justify them in recommending the passage of the bill. But we deny that there is any proof of this necessity, and we declare that the evidence in favor of it consists wholly in ex parte statements, made up of reports of self-styled

Civil Engineers, employed and paid by the persons, who for so many years have assiduously employed themselves in endeavoring to obtain a grant of the rights and franchises proposed in this bill, and in formidable looking tabular statements of pretended soundings, and in theories of the actions of tides and currents, and of the causes of shoaling, by persons

wholly ignorant of the subject of which they profess to speak.

On the other hand, the testimony of Engineers of acknowledged scientificability and experience, of high rank in the service of the United States, of perfect impartiality and unimposedable integrity, corroborated by that of a large number of witnesses of great practical experience, proves that no such necessity exists, and that the deposits which have caused the waters to shoal can readily be removed by such a system of dredging as is practiced in every scapor town in the world, where wharves or piers are projected into the water at a right angle to the shore; and that but for a most gross neglect of duty on the part of the very applicants for the grant, in permitting the slips to shoat, they would now be free of artificial deposits, and would afford a depth of water sufficient for ships of the greatest burden, as do several of the slips even at the present time.

But, if it is conceded that there is a possibility, or even a probability of the necessity for a sea wall, still its necessity is not established, nor is it possible to judge either of its necessity or practicability from examinations already made. As before observed, the surveys heretofore made have been of an *ex parte* character: but conceding that they afford reliable information, as far as they go, still they fall to furnish sufficient data on which to form any well founded opinion as to the extent of the evil, its causes, the remedy, and the practical lility of any proposed remedy, having reference to the formation of the soil, on, and near the water line. It is clearly established by the testimony of Government Eugineers, that it would require at least a year, to make investigations by actual survey and experiments from which reliable conclusions on this subject could be drawn.

Nor can we close our eyes to the fact that the arguments in favor of this supposed necessity are urged by the proposed grantees alone. For five years they have been unremitting in their endeavors, by exciting all that time they have been unremitting in their endeavors, by exciting the fears of legislators as to the destruction of the harbor, to extort from the State a grant which shall practically give them the control of its commerce. If the danger be so threatening, why, it may be asked, do not those who are most exposed and who are nearest the impending ruin, and who have the largest stake in the commercial prosperity of San Francisco, first take the alarm and clamorously demand relief from Congress and the Legislature of this State, instead of resting quiet for five years and leaving the discovery of their ruined fortunes to the San Francisco Dock and Wharf Company? It is this last named concern that claims the glory of saving the city, and the right to convert its harbor to their own use.

We now proceed to consider some of the main objections to the bill itself.

First—It is a violation of the spirit, if not of the letter, of that clause of the Constitution which prohibits the creation of corporations by special enactment; for what difference in principle can there be between creating a monopoly by granting a charter and giving a monopoly to a corporation already in existence? They are both within the mischief to be prevented, and, in our opinion, they are both within the constitutional inhibition.

Second -- The grant is to a pretended corporation, which has, in fact, no legal existence. The Dock and Wharf Company was incorporated in December, one thousand eight hundred and fifty-eight, for the alleged purpose of carrying on the warehousing and wharfing business; but, as appears by the testimony of one of its Trustees, it has never engaged in any business except in trying to pass this bill through the Legislature. Indeed, he finally acknowledged that the sole object of the incorporation of the company was to create a legal entity capable of receiving from the Legislature the grant proposed by this bill. So that the capacity to receive is as clearly the ultimate object of this corporation as the endeavor to acquire has been heretofore its sole business. The statute provides that a corporation created under the general law shall cease to exist if the business for which it was organized shall not be prosecuted within one year from the date of its incorporation. It would seem to be clear, therefore, that this corporation has ceased to exist, and it is understood that the Attorney-General has instituted legal proceedings to obtain a judicial sentence of forfeiture. The attempt to revive the corporation by the amendment proposed by the majority of the committee, as it is nothing more nor less than the creation of a corporation by special enactment is a clear violation of the Constitution.

Third—It creates a great monopoly in granting to a single company the exclusive right to build wharfs and to collect wharfage, dockage, and tolls, in the commercial metropolis of the Pacific Ocean. This monopoly it confers for fifty years. It is conceived in the very spirit of despotism, and leads the mind back to those old charters wherein history records the instances of monstrous tyranny and capricious favoritism. Utterly repugnant is it to the social and political civilization of this century, even in those States of Europe where the people have the least influence in

the affairs of government.

Fourth—It proceeds without due consideration. It contemplates an important work for the harbor of San Francisco, while, according to the greatly preponderating weight of testimony before the Senate, no sufficient surveys, examinations, and experiments, have been made to determine whether the proposed structure is either practicable or necessary, or whether it might not, in truth, be of infinite damage to the harbor.

Fifth—It permits the company to derive revenues from the work equal to ten per cent. per annum on the cost thereof, and on the expense of operating and maintaining it, but it has no provision limiting the company to a reasonable expenditure, such as the nature of the work may require. In this respect it makes unavailable the pretended reservation to the city or State of the right to purchase the work on the terms prescribed. It fosters extravagance; it offers a premium on sham contracts and false accounts; it permits the company to build the work at its own price, to pay salaries however exorbitant, and to retain employes no matter how numerous, worthless, or useless. In truth, it seems as if its very design were favoritism to the few, and social and political corruption for the many.

Under this head it may be proper to refer to one feature of the bill. The bulkhead is required to be built according to plans and specifications to be furnished by a Board of Engineers. But it must be built of stone. Why must it be built of stone? Suppose it cannot be so built—suppose the Engineers report such a structure impracticable, or reporting it practicable they should also report that filling with sand would be much better and cheaper. Why have a stone work when it costs more and is not so good? Why not carry out the theory of extravagance and magnetic statement of the built.

nify the idea of vast expenditure by requiring the filling to be done with argentiferous Washne stones? We think the last would be best, because when they become to be a naisance to the harbor it will pay to take them out and smelt them.

Sixtle—It is the do ign of this bill to confer on the company such privileges, franchises, rights, and properties, as will produce a revenue sufficient to tuild the proposed works in the time required for their construction. The consideration of the grant is not a great want on the one hand, and a great capital capable of supplying that want on the other. No such The bal makes a gratuitous donation of the whole city from t for the period of fifty years. Within six months after this bill shall become a law, if the supposition of so great a calamity be permitted us, every wharf in the city of San Francisco will I clong to the company. For in expenditure of the comparatively inconsiderable sum of one handred thousand dollars this condition of affairs must continue three years. Meantime, in the power of this company will be the foreign and internal navigation of the State. They can separate ships from their consignees and warehouses at pleasure. They can monopolize ferries and all water carriage from San Francisco to any part of the State. It is only passengers who travel on foot from Oakland, say, or Sacramento, to San Francisco, who are not obliged to pay tells. All property devoted to commercial purposes will rise or fall according to their pleasure, and the direction they may choose to give to ships, steamers, and steamboats, that come as d go between the city and all other places of the world. This vast power is vast wealth. Thousands, aye, hundreds of thousands

of dollars will flow eagerly into hands thus gifted.

Seconth-The bill proposes to grant to the company the right to confiscate private property under the provisions of the railroad laws. Great doubts may be entertained whether this bulkhead work can be regarded as a public use for which private property can be taken. But it is certain to our minds, that such condemnation cannot be made before it shall be actually necessary to take such property in prosecution of the bulkhead structure. Now, according to the provisions of this bill, many private wharis in the first section of the proposed work may be condemned three years before they can possibly interiere with the building of the bulkhead. In the second section of the work the private wharfs may be condemed, certainly six, and possibly twelve years before the space or ground they occupy can be required. The third section of the proposed bulkhead is not required to be completed in less than eighteen years, and probably not at all, and yet all private wharfs may be condemned and taken possession of immediately on the passage of this bill; and nowhere within the belt around the city, which this bill modestly calls "the extent of this act," can any person build a wharf for fifty years without the consent of the Dock and Wharf Company. But, say the friends of the bill, if these private wharfs are not to be condemned before it becomes necessary in the actual construction of the work, and if the right of the company to charge wharfage, dockage, and tolls, be restricted to the bulkhead and wharfs, or to such parts thereof as they may actually construct, then the donations of the bill will be too much reduced in value. We are not willing to grant so little. Precisely; and that recalls us to one of the main objections to the bill; that all it conveys to the company is without consideration, and that its sole object is to make a gratuitous gift of the very revenues which will build the bulkhead, wharfs, piers, warehouses, streets, and all.

Eighth-It is the opinion of the undersigned that the State of Califor-

nia, by various enactments, has granted to the city of San Francisco the wharving franchise which this bill proposes to confer on the Dock and Wharf Company. If this be the case, in view of the well established principle that a grant is a contract executed, it would be obviously a violation of the Constitution of the United States, to pass a law annulling such grant. The undersigned do not propose to argue the point raised by this objection to the bill, but they deem it a matter of too much importance to be passed without notice.

Ninth-Another objection to this bill is the provision which exempts the bulkhead property from municipal taxation. This objection, like the preceding one, the undersigned do not propose to elaborate into fail argument. Setting aside the serious constitutional objections which lie in the way of its passage, this provision, while consonant with the whole spirit and tenor of the bill, is manifestly unjust and oppressive to other

tax payers.

The undersigned have thus hastily set forth a few of the most prominent objections to this bill. The regret that limited time does not afford the opportunity of making this report more full, and of stating the objections more in detail, is much diminished by the fact that the measure under consideration has been thoroughly discussed by able pens in the public journals, and that the people of San Francisco, in their memorial, and in the address of their General Committee, have expressed their wishes with emphasis and their arguments with marked ability.

In support of the views which the undersigned have ad pted and endeavored to enforce, they beg leave to quote the remarks of Governor Latham in his inaugural address. His objections to the measure are stated with much force and fairness, and coming as they did from the Chief Magistrate of the State, they are entitled to great consideration. In relation to the bulkhead scheme he uses the following language:

"The proposed act granting a franchise for the construction of a bulkhead in the harbor of San Francisco, will doubtless be brought to your consideration. The feasability and even necessity of this project has already been the subject of much legislative discussion. There is no disguising the fact that under our popular institutions and the selfish speculating spirit of the day, straight-forward, honest legislation is becoming more and more difficult. It is the duty of those intrusted with law making, to acknowledge this fact, to accept it as undeniable truth-then stern-

ly resist and correct it, if possible.

A measure of such magnitude as this bulkhead, originating in a city where capital, and, indeed, all the forms of power, are concentrated, is oftentimes urged with bad motives and with improper means. And between the good faith and honest convictions of some advocates and the bad faith of others, it is often difficult to determine as to their real merits. On the other hand, caution should also be exercised against prejudices in legislating upon the immediate interests of San Francisco. There is a natural want of sympathy between men living in the country and those who live in cities. But there is no sense in its engendering an unfair or ungenerous spirit in dealing with matters affecting the rights and the prosperity of all. San Francisco depends upon the growth of the State. She is simply a striking exponent of the material power and intelligence of the country. The citizens of our mountain counties ought to be as proud of her as all Americans are of New York, all Englishmen of London, and all Frenchmen of Paris.

Whether within some reasonable time, the harbor of San Francisco will require, or whether it now requires a bulkhead, is a question upon which there are different views. The cyclence taken last winter before a Committe of the Legislature, exhibits a strong conflict of opinion, both as to the extent to which the harbor is filling up, and as to the cause—from which it would appear that the necessities of commerce cannot be so urgent as to demand immediate legislation. The fact that the merchants of San Francisco, as a class, are opposed to it, makes this the more conclusive. True, they may be mistaken as to their own interests. But, conceding that they are wrong in their opposition to a bulkhead, still they can hardly be wrong as to the fact of their being no immediate necessity for any measure whatever. If the shipping interests of that city were suffering daily, to an extent that demanded legislative action, there would be presented before you a general and constant application for relief. Rival interests would produce here and there opposition to even just measures, but that the general mass of the mercantile community would not fairly represent the wants of their own harbor, seems incredible.

In a matter so important to the State, and one involving such a vast outlay of money, a mistake would be attended by the most disastrous consequences, and every precaution should be used to guard against premature and unwise action. I would, therefore, recommend to you, if any action at all on this matter is deemed advisable by the Legislature at present, to appoint, or authorize to be appointed, a board of experienced and disinterested scientific men, to settle the primary questions in

volved in this controversy.

It it should be found, on the report of such a Board, that a bulkhead is necessary, then a survey of the harbor should be made, with reference to the currents and other pertinent matters, so as to furnish the best lines for the structure and determine the best mode of construction. This survey would require much scientific knowledge and much experience, and should be made by men of undoubted ability and integrity.

When these indispensable preliminaries shall have been satisfactorily concluded, the Legislature will then, and not before, have to determine by whom the bulkhead shall be built—whether by individuals, by a compa-

ny, or by the city of San Francisco.

I am free to say that at present I regard as questionable the propriety of giving to any one company the right to construct a bulkhead, or to protect in any other way an entire city front. It might create a mamnoth monopely, with an immense power to interfere with and control the local, if not the general policy of the State, and that, too, in spite of any restrictions that could be imposed. The same objection applies to authorizing the city corporation to do the work, as it might create an overflowing fountain of political corruption and ultimate bankruptcy.

But these are questions which can better be determined at a future time, when we have more information and reliable data to act upon, and for the present it does seem most clear that it would be premature for this Legislature to take any decisive action until surveys demonstrate the

primary cause and the remedial necessities beyond all question."

The language contained in an address of the General Committee of the citizens of San Francisco, in opposition to this bill, is so concise, comprehensive, and truthful, that the undersigned take pleasure in adopting it

in concluding their report:

There is not a paragraph, scarcely a single line, but covers up some evil design against the public. The bill, in fact, is so replete with evils that they ctually conflict with each other; they could not all be in operation at one time, nor could they possibly be extracted unless by striking out the enacting clause. The effort seems to be to establish a municipal dictator-

ship at the very entrance to western civilization; a private corporation within a public corporation, but with infinitely the greater power; a moneyed oligarchy, composed of foreign capitalists, within a republic. The means to execute this remarkable scheme have been ingeniously devised and systematically applied. For four consecutive years the bill has been before the Legislature, and for seven years it has received the unremitting attention of two or three persons, whose Machiavellian skill has perfected a document, which is a model of concentrated and polished wickedness. The parties interested in its passage have operated with a degree of ability and persistency worthy of a better cause. They have sought to control conventions in the nomination of candidates. They have surrounded members of the Legislature with everything that could tempt, deceive, or intimidate them. They have been patient, energetic, and harmonious, in their action from first to last. They have done all that human ingenuity could devise to reach the goal of their desperate ambition; but they have never depended upon the logic of truth, nor have they ever appealed to the public to sustain them. And up to this time, all their intellect, all their acuteness, and all their wariness, have failed them, because they have battled for the few against the many-for the wrong against the right-for plunder against principle. They have been utterly unable to overcome the intelligence and the integrity of either branch of the Legislature. Even the adroit adoption of amendments, carefully prepared and judiciously introduced, or sugaciously anticipated has not availed them. The superiority in the mere tactics of legislation which their strict discipline has given them over an unorganized public, has produced great trouble and anxiety, but nothing more. They have been wholly unable to secure any reciprocity of action upon particular measures, which would give them a majority. Each year they have left the Capital, exposed but still shameless, weak but still resolute, defeated but not dismayed.

It is full time that the question involved in this bill should be definately settled and useful legislation allowed to pursue its unobstructed course. This conclusion, gentlemen, you no doubt ardently wish in com-

mon with the great mass of the population of California."

For the reasons set forth in this report, the undersigned recommend that the bill do not pass.

ARCHIBALD PEACHY, S. H. PARKER.

The reading of the report was dispensed with, as the same had been ordered printed on Saturday last.

Mr. Kirkpatrick made the following report:

Mr. President:—The undersigned, to whom was referred Assembly Bill, No. 194, entitled An Act to authorize and require the Board of Supervisors of Sierra County to audit and allow the Claim of Moses Haynes for Services rendered in arresting a Fugitive from Justice, has had the same under consideration, and now reports the same back, with a substitute, and recommends the passage of the substitute.

M. KIRKPATRICK,
Twentieth District.

On motion of Mr. Kirkpatrick, the rules were suspended and the substitute just reported adopted, the bill considered engrossed, read a third time, and passed.

Mr. Bradley, of Committee on Claims, made the following report:

Mr. President —The Committee on Claims have had under consideration the claim of Charles A. Clark for services rendered to the State, and expenses incurred in arresting murderers and outlaws in various conaties in this State, during the year one thousand eight hundred and fifty-nve, and recommend that the same be allowed, and for this purpose recommend the passage of the accompanying bill.

B. T. BRADLEY,

For Committee.

Placed on file.

The bill just reported. An Act to Appropriate Money to pay the Claim of Charles A. Clark, was read first and second times and placed on file.

Mr. Denver, of the Er Dorado Delegation, made the following report:

Mr. President:—The El Dorado Delegation, to whom was referred Senate Bill. No. 104, An A et to authorize the Board of Supervisors of the County of El Dorado to take and subscribe Three Hundred Thousand Dolkars to the Capital Stock of the Piacerville and Folsom, Reilroad Company, and to provide for the Payment of the same, and other matters relating thereto, report the same back—Messrs. Crittenden. Dickinson, and Denver recommending its indefinite postponement, and Mr. Titus recommend its passage.

A. ST. C. DENVER,

For Delegation.

Placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber,

March 17, 1860.

Mr. Prisspent:—The Assembly, on the seventeenth, passed Assembly Bill, No. 200, An Act to provide for the Improvement of the Navigation of the San Joaquin River;

Also, Senate Bill, No. 169, An Act for the Relief of Michael Gregory.

R. K. WESTON.

Ass't Cl'k of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 209, An Act to provide for the Improvement of the Navigation of the San Joaquin River—was read first and second times and referred to the Committee on Commerce and Navigation.

SPECIAL ORDER OF THE DAY.

Assembly Concurrent Resolution, No. 31, Relative to New Almaden Mine-was taken up.

Mr. Elgerton moved to make it the special order for to-morrow, at

half past eleven, A. M.
Upon which the ayes and noes were demanded by Messrs. Merritt,

Chase, and Redman, and taken with the following result: Ayes, 13—noes, 17:

Aves-Messrs. Anderson, Ballou, Chase, Dickinson, Edgerton, Franklin, Kirkpatrick, Lansing, Leet, Logan, Sharp, Titus, and Vance-13.

Noes-Messrs. Bradley, Crittenden, De la Guerra, Denver. Haynes, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Ryan, and Wheeler-17.

So the motion was lost.

Mr. Watkins moved to make it the special order for Wednesday, March

twenty-first, at half past eleven, A. M. Upon which the ayes and noes were demanded by Messrs. Ryan, Wheeler, and Redman, and taken with the following result: Ayes, 13noes, 16:

AYES-Messrs. Anderson, Chase, Denver, Dickinson, Edgerton, Franklin, Kirkpatrick, Lansing, Leet, McDonald, Titus, Vance, and Watkins-

Noes-Messrs. Bradley, Crittenden, De la Guerra, Havnes, Logan, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Ryan, and Wheeler-16.

So the motion was lost.

The resolution was then considered in Committee of the Whole.

IN SENATE.

The question being on the passage of the resolution-

The ayes and noes were demanded by Messrs. Parker, Ryan, and Leet, and taken with the following result: Ayes, 22-noes, 7:

Aves-Messrs. Bradley, Chase, Crittenden, De la Guerra, Denver, Haynes, Kirkpatrick, Lansing, Logan, McDonald, Merrit, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Ryan, Vance, and Wheeler-22.

Noes-Messrs. Anderson, Dickinson, Edgerton, Franklin, Leet, Titus, and Watkins-7.

So the resolution was adopted.

Mr. Chase gave notice that on to-morrow he would move for a reconsideration of the vote just taken.

FURTHER SPECIAL ORDER.

Senate Bill, No. 171, An Act authorizing the Board of Supervisors of the County of Santa Cruz to Levy a Tax for Building Parposes-was, on motion of Mr. Watson, indefinitely postponed.

INTRODUCTION OF BILLS.

Mr. Parks, by leave, introduced a bill for an act entitled An Act amendatory of an Act entitled "An Act to establish Pilots and Pilot Regulations for Humboldt Bay and Bar," approved March eighth, one thousand eight hundred and sixty.

Read first and second times.

On motion of Mr. Parks, the rules were suspended, the bill considered engrossed, read a third time, and passed.

31sen

Mr. Pico, by leave, introduced a bill for an act entitled An Act to authorize the Sale of certain Real Estate by Guardians.

Read first and second times.

On motion of Mr. Merritt, the rules were suspended, the bill considered

engrossed, read a third time, and passed.

Mr. Redman, by leave, introduced a bill for an act entitled An Act to repeal an Act entitled "An Act amendatory of 'An Act to Incorporate the State Agricultural Society," approved May thirteenth, one thousand eight hundred and fifty-four, approved March twenty-first, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the Committee on Agri-

culture.

GENERAL FILE.

Senate Bill. No. 129. An Act amendatory of an Act entitled "An Act to amend an Act entitled "An Act to provide for the Support of the Government of this State," approved May fifteenth, one thousand eight hundred and fifty four, approved April twenty-seventh, one thousand eight hundred and fifty-five.

Mr. Anderson moved to recommit the bill to Mr. O'Farrell, with the

following special instructions:

The counties of Placer and Nevada are hereby exempted from the

provisions of this act.

Upon which the ayes and noes were demanded by Messrs. Lansing. Anderson, and Leet, and taken with the following result: Ayes, 7—noes, 18:

AYES-Messrs. Anderson, Ballou, Chase, Lansing, Leet, Logan, and Titus-7.

Nors-Messrs Bradley, De la Guerra, Dickinson, Edgerton, Franklin, Haynes, McDonald, Merritt, O'Farrell, Parker, Parks, Phelps, Pico, Quinn, Redman, Ryan, Vance, and Watkins-18.

So the motion to recommit was lost.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Lausing, Denver, and Ryan, and taken with the following result: Ayes, 19—noes, 8:

Ayrs—Messrs Bradley, Ballou, De la Guerra, Dickinson, Edgerton, Franklin, Leet, Logan, Merritt, O'Farrell, Parker, Parks, Phelps, Pico, Redman, Ryan, Titus, Vance, and Watson—19.

Noes-Messrs, Anderson, Chase, Denver, Haynes, Lansing, McDonald,

Quinn, and Watkins-8.

So the bill passed.

Mr. Parker moved to reconsider the vote just taken, now.

Lost.

Mr. Parker asked and obtained leave of absence for Mr. Sharp, for one

Mr. Franklin asked and obtained leave of absence for Mr. Dent, for one day.

GENERAL FILE RESUMED.

Senate Bill, No. 141, An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that amount authorized by Law to be paid into the General School Fund; and the State's portion of the

Foreign Miners' License Tax, which shall be collected in the said Counties for the years one thousand eight hundred and sixty and one thousand eight hundred and sixty-one, to be applied to the construction and improvement of certain Wagon Roads over the Sierra Nevada-was, on motion of Mr. Lansing, made the special order for Wednesday, March twenty-first, at half past eleven, A. M.

Senate Bill, No. 217, An Act to regulate the Compensation of the County Surveyor of Napa County-was considered in Committee of the

Whole, and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. O'Farrell, the rules were suspended, the bill considered engrossed, read a third time, and passed, and the title was amended by inserting after the word "Napa," the word "Sonoma," and by striking out the word "County," and inserting the word "Counties." Senate Bill, No. 175, An Act to provide for the Disposal of Lots in the

Towns and Villages on the Public Lands in Mendocino County-was con-

sidered in Committee of the Whole.

IN SENATE.

Bill ordered engrossed, and read a third time. Mr. Leet moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Merritt, Denver, and Ryan, and taken with the following result: Ayes, 8noes, 17:

Ayes-Messrs, Anderson, Bradley, Kirkpatrick, Lansing, Leet, Quinn,

Watkins, and Wheeler-8.

Noes-Messes, Ballou, Do la Guerra, Denver, Dickinson, Edgerton, Haynes, Logan, McDonald, Merritt, O'Farrell, Parks, Phelps, Pico, Redman, Ryan, Titus, and Watson-17.

So the motion was lost.

On motion of Mr. De la Guerra, Senate Bill, No. 190, An Act to appropriate fifteen thousand dollars for the construction of a Wagon Road through the County of Santa Barbara-was taken from file and made the special order for Friday, March twenty-third, at half past eleven, A. M.

INTRODUCTION OF BILLS.

Mr. Phelps, by leave, introduced a bill for an act entitled An Act concerning Official Bonds of Sheriffs and Coroners.

Read first and second times, and referred to the Judiciary Committee.

Mr. Lansing moved a call of the Senate.

Mr. O'Farrell moved that the Senate do now adjourn.

Lost.

Mr. Bradley, by leave, introduced a bill for an act entitled An Act to appropriate Money to pay the claim of D. H. Whipley.

Read first and second times, and referred to the Judiciary Committee.

GENERAL FILE, RESUMED.

Senate Bill, No. 69, An Act to amend an Act entitled "An Act to pro-

wide for the Issuance of Patents to Lands located with State School Land Warrants and for Lands purchased under the Act of April twenty-third, one thousand eight hundred and fifty-eight "—was considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Ryan, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Mr. Kirkpatrick offered a Concurrent Resolution, Relative to Printing

the Governor's Message in German.

Referred to the Committee on Public Printing.

Mr. Bradley asked and obtained leave of absence for Mr. Eagon, for one day.

Mr. McDonald asked and obtained leave of absence for Mr. Clark, for

one day.

Mr. Lansing presented certain accounts.

Referred to Committee on Contingent Expenses.

GENERAL FILE, RESUMED.

Senate Bill, No. 180, An Act for the more thorough Distribution of the Laws of this State.

On motion of Mr. Dickinson, placed at the foot of the file.

Schate Bill, No. 185, An Act relating to the time of commencing Suits upon Judgments, and the issuing of Execution thereon.

The question being on the indefinite postponement of the bill, as recom-

mended by the Judiciary Committee, it was so disposed of.

Mr. Kirkpatrick moved that the Senate do now adjourn.

Lost.

Assembly Bill, No. 143, An Act to provide for the Conveyance of Mining Claims—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Lansing, the bill was made the special order for Monday, March twenty-sixth, at twelve, M. and the usual number of copies

were ordered printed.

Sabstitute for substitute for Assembly Bills, Nos. 51 and 101, An Act to repeal "An Act to authorize Married Women to transact Business in their own name as Sole Traders," passed April twelfth, one thousand eight hundred and fifty-two.

The substitute was adopted, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Parker gave notice that on to-morrow he would move for a reconsideration of the vote just taken.

Assembly Bill, No. 24, An Act to Regulate the Fees of Witnesses in

Criminal Cases.

The question being on the indefinite postponement of the bill, as recommended by the Judiciary Committee, it was so disposed of.

Mr. Leet moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Watson,

Lansing, and Redman, and taken with the following result: Ayes, 12-noes, 13:

AYES-Messrs. Bradley, Ballou, De la Guerra, Denver, Franklin, Haynes,

Kirkpatrick, Leet, Logan, O'Farrell, Pico, and Quinn-12.

Noes-Messrs. Anderson, Dickinson, Edgerton, Lansing, McDonald, Merritt, Parker, Parks, Phelps, Redman, Titus, Watson, and Wheeler-13.

So the motion was lost.

Assembly Bill, No. 167, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to Regulate Proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved April seventh, one thousand eight hundred and fifty-seven—was considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Assembly Bill, No. 193, An Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act to Regulate Proceedings in Criminal Cases in this State,'" passed May first, one thousand eight hundred and fifty-one, passed April twenty-second, one thousand eight hundred and fifty-eight—was placed at foot of file.

Senate Bill, No. 159, An Act to amend an Act entitled "An Act concerning Crimes and Punishments;" passed April sixteenth, one thousand eight hundred and fifty—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Redman, the rules were suspended, the bill consid-

ered engrossed, read a third time and passed.

Senate Bill, No. 97, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act concerning Fraudulent Conveyances," passed April nineteenth, one thousand eight hundred and fifty, approved April ninth, one thousand eight hundred and fifty-six—was indefinitely postponed, as recommended by the Judiciary Committee.

Mr. Parker moved that the Senate do now adjourn.

Lost.

Senate Bill, No. 85, An Act to amend an Act entitled "An Act to prohibit Gaming," approved April twenty-seventh, one thousand eight handred and fifty seven—was indefinitely postponed, as recommended by the Judiciary Committee.

Assembly Bill, No. 120, An Act in relation to Mining Copartnerships. On motion of Mr. Kirkpatrick, made the special order for Monday,

March twenty-sixth, at twelve, M.

Senate Bill, No. 163, An Act in relation to Publications—was considered in Committee of the Whole, and amended.

IN SENATE.

President pro tem. in the Chair.

Amendments concurred in.

The question being on the indefinite postponement of the bill, as recommended by the Judiciary Committee, the ayes and noes were demanded,

by Messrs. Merritt, Phelps, and Denver, and taken with the following result: Ayes, 12--noes, 13:

Ayes-Messrs, Anderson, Denver, Dickinson, Edgerton, Franklin, Leet, Logan, Merritt, Quinn, Redman, Titus, and Wheeler -12.

Nobs-Messrs. Ballou, De la Guerra, Haynes. Kirkpatrielt, Lansing, McDonald, Parker, Parks, Phelps, Pico, Ryan, Watkins, and Watson-13.

So the recommendation of committee was lost. The bill was ordered engrossed and read a third time. On motion of Mr. Merritt, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Tuesday, March 20th, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday was read and approved.

Mr. Ballou presented a petition of citizens of Butte County, remonstrating against the enactment of a law restraining sheep from ruuning at large.

Referred to the Committee on Agriculture.

REPORTS.

Mr. Edgerton, Chairman of the Committee on Swamp and Overflowed Lands, made the following report:

Mr. President:—The Committee on Swamp and Overflowed Lands, to whom was referred substitute for Assembly Bill, No. 31, entitled An Act to amend an Act entitled "An Act to provide for the Reclamation of the Swamp and Overflowed Lands in this State," approved April twenty-first, one thousand eight hundred and fifty-eight, and also to amend An Act, approved April eighteenth, one thousand eight hundred and fifty-nine, entitled "An Act amendatory of 'An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands in this State," approved April twenty-first, one thousand eight hundred and fifty-one, have had the same under advisement, and report the same back to the Senate and recommend its passage.

EDGERTON,

Chairman,

PARKS, DENT, WATSON, [Dissenting.]

Placed on file.

Mr. Parks, of Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee on Enrollment have examined Senate Bill, No. 157, An Act to Change the Name of the Town of Union to that of the Town of Arcata;

Also, Senate Bill, No. 169, An Act for the Relief of Michael Gregory: Also, Senate Bill, No. 73, An Act amendatory of, and supplementary to, "An Act to Grant the Right to Construct and Maintain a Bridge across Feather River," approved April twenty-sixth, one thousand eight hundred and fifty-eight.

And have found the same correctly enrolled, and have this day taken

the same to the Governor.

W. H. PARKS,

Of Committee.

Report accepted.

INTRODUCTION OF BILLS.

Mr. Sharp presented a petition from citizens of San Francisco, praying for an appropriation of ten thousand dollars to aid in the erection and support of an Eye and Ear Infirmary;

Also, introduced a bill for an act entitled An Act to establish an Eye

and Ear Infirmary.

Read first and second times and, with the petition, was referred to the

Committee on State Hospitals.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act Appropriating Money for the Benefit of the German Benevolent Society of San Francisco.

Read first and second times and referred to the Committee on Finance. Mr. Parker, by leave, introduced a bill for an act entitled An Act to Grant the Right of Way, and to authorize certain Persons therein named to lay down and maintain a Railway Track within the limits of the City and County of San Francisco, and to run Cars thereon.

Read first and second times and referred to the Committee on Roads

and Highways.

Mr. Dickinson, pursuant to notice, offered the following as an additional Standing Rule of the Senate:

RULE 47.—No committee shall employ, at the expense of the State, a Clerk or Sergeant-at-Arms without the concurrence of two-thirds of the Senate.

Mr. Ryan moved to amend by striking out "two-thirds of the Senate"

and insert "a majority of the Senators present."

Pending which, Mr. Chase moved to reconsider the vote whereby Assembly Concurrent Resolution, No. 31, Relative to New Almaden Mine, was adopted on yesterday.

Pending which, Mr. Dickinson moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Ryan, Bradley, and Vance, and taken with the following result: Ayes, 6—noes, 26:

AYES-Messrs. Ballou, Dickinson, Franklin, Parker, Sharp, and Titus-6.

Noes-Messrs. Anderson, Bradley, Clark, Chase, Crittenden, De la Guerra, Dent, Denver, Eagon, Edgerton, Haynes, Kirkpatrick, Lansing, Leet, Logan, McDonald, O'Farrell, Parks, Peachy, Pico, Quinn, Redman, Ryan, Vance, Watson, and Wheeler-26.

So the motion was lost.

Mr. Bradley moved the previous question.

Sustained.

The question being: Shall the main question be now put? it was carried.

The question being on the reconsideration of the vote taken yesterday on the resolution under discussion.

The ayes and noes were demanded by Messrs. Watson, Vance, and Peachy, and taken with the following result: Ayes, 8-noes, 22:

AYES-Messrs. Anderson, Chase, Dent, Denver, Franklin, Leet, Sharp, and Titus-8.

Noss — Messrs, Bradley, Ballou, Clark, Crittenden, De la Guerra, Eagon, Haynes, Kirkpatrick, Lansing, Logan, McDonald, Merritt, O'Farrell, Parker, Peachy, Pico, Quinn, Redman, Ryan, Vance, Watson, and Wheeler—22.

So the motion was lost.

Mr. Dickinson declined to vote.

Mr. Edgerton paired off with Mr. Watkins.

Mr. Parks paired off with Mr. Phelps.

On motion of Mr. Phelps, Senate Bill, No. 58, An Act to provide for the Construction of the State Capitol in the City of Sacramento, was made the special order for to-morrow at forty minutes past cleven, A. M.

Mr. Sharp. Chairman of the Committee on Public Expenditures, made

the following report:

Mr. President: -Your Committee on Public Expenditures have examined the copying done for the Senate up to date, and find as follows:

Purpose.	Folios.	Price.	Amount.
Journal For Printer. Appendix For Printer. Totals.		15 cts. 10 cts. 15 cts. 10 cts.	\$94 20 62 50 106 50 71 00 \$334 50

SOL. A. SHARP, Chairman.

Adopted.

On motion of Mr. Edgerton, the Senate adjourned.

I. N. QUINN.

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

Senate Chamber, Wednesday, March 21, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journal of yesterday read and approved.

REPORTS.

Mr. Dent, Chairman of Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill. No. 228, An Act amendatory of an Act entitled "An Act to establish Pilots and Pilot Regulations for Humboldt Bay and Bar," approved March eighth, one thousand eight hundred and sixty;

Also, Senate Bill, No. 229, An Act to authorize the Sale of certain Real

Estate by Guardians;

Also, Senate Substitute, No. 227, for Assembly Bill, No. 197, An Act to authorize the Board of Supervisors of Sierra County to Audit the Claim of Moses Haynes for services rendered in Arresting a Fugitive from Justice:

Also, Senate Bill, No. 163, An Act in relation to Publications;

Also, Senate Bill, No. 217, An Act to Regulate the Compensation of the County Surveyors of Napa and Sonoma Counties.

And find the same correctly engrossed.

DENT, Chairman.

Report accepted.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 159, An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty;

Also, Senate Bill, No. 67, An Act to amend an Act entitled "An Act to provide for the Issuance of Patents to Lands located with State School Land Warrants, and for Lands purchased under the Act of April twenty-

third, one thousand eight hundred and fifty-eight;"

Also, Senate Bill, No. 175, An Act to provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Mendocino County.

And find the same correctly engrossed.

GEORGE W. DENT,

Chairman.

Report accepted.

Mr. Anderson, Chairman of Joint Committee on Printing, made the following report:

Mr. PRESIDENT:—The Joint Committee on Printing, to whom was referred Concurrent Resolution, No. 43, ordering the additional printing

of five hundred copies, in German, of the Governor's Annual Message, and of Governor Latham's Inaugural Address, have had the same under consideration, and herewith return the same, with an amendment, and recommend the passage of the resolution when so amended.

Amend the resolution by adding thereto the following proviso:

Trovided, however, and the said printing is hereby ordered upon the express condition that the charge for the same shall be made as if the printing herein ordered was so ordered within the seven days referred to in the fifth section of the act of May first, one thousand eight hundred and fifty-four, "An Act to create the Office of State Printer, define the Duties and Compensation thereof, and provide for the Time and Manner of Election."

ANDERSON,
Of the Senate,
LASPEYRE,
Of the Assembly.

Mr. Parks, of Committee on Eurolled Bills, made the following report:

Mr. President:—The Committee on Enrollment have examined Senate Bill, No. 215, An Act to Fix the Compensation of the County Judge of Tulare County;

Also, Senate Bill, No. 78, An Act Defining the Locality of the Village

of Strawberry Valley.

And have found the same correctly enrolled, and have taken the same to the Governor.

W. H. PARKS,

Of Committee.

Report accepted.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. President:—Your Committee on Contingent Expenses, to whom was referred a certain account, herein set forth, have examined the same and recommend the payment thereof out of the Post-Office Fund.

Purpose.	
Wells, Fargo & Co	\$100 00

C. J. LANSING, Chairman.

Adopted.

On motion of Mr. Sharp. Senate Bill, No. 196, An Act to Appropriate Money for the Relief of Destitute Females in San Francisco, was taken from unfinished business, read first and second times, and placed on file.

Mr. Merritt, Chairman of the Special Committee to whom was referred Senate Bill, No. 117, made the following report:

Mr. President:—The undersigned, a majority of the Special Committee, to whom was referred Senate Bill, No. 117, An Act to provide for the Payment of Two Hundred and Fifty Thousand Dollars of the Outstand-

ing Indebtedness of the State, have had the same under consideration, and beg leave to report the same back, and recommend its passage, with the amendments herewith reported.

Your committee are of the opinion that the power of the Legislature to appropriate money in the treasury for the objects specified in this bill

is too plain and clear to need argument.

This bill does not propose to create a debt, and is, therefore, not inhibited by the Eighth Article of the Constitution. That the indebtedness not funded by the act of one thousand eight hundred and fifty-seven must be paid, cannot be doubted, except we resort to repudiation, which is not contemplated by any respectable portion of the citizens of this State.

We have no doubt that the people would ratify this outstanding equitable indebtedness if the same was submitted to them. But, in our opinion, it would only be entailing a useless and unnecessary expense upon the State, for the reason if we fund this debt we will be compelled to finally pay the face thereof, with a number of years' interest added thereto; whereas, by the passage of this bill, all of this indebtedness may be redeemed, without injustice to the holders thereof, at a rate not exceeding eighty-five cents on the dollar. As a matter of economy, then, this bill should become a law.

If, in the judgment of the Legislature, this bill should not become a law, we then recommend that a bill be passed submitting this indebtedness to a vote of the people at the next general election, as further delay to provide for its payment will more seriously affect the credit of the State than it has already done. We therefore urge speedy action on this most im-

portant measure.

Respectfully submitted.

MERRITT,
Chairman,
JOHN A. EAGON,
W. H. PARKS.

In tenth line, fourth section, strike out "two hundred and fifty," and insert "two hundred."

In fifteenth line, fourth section, strike out "two hundred and fifty," and insert "two hundred."

In first line, seventh section, strike out "two hundred and fifty," and insert "two hundred."

Amend title by striking out "two hundred and fifty," and insert "two hundred."

MERRITT, Chairman.

Mr. Phelps, of the San Francisco and San Mateo delegations, made the following report:

Mr. President:—The delegation from San Francisco and San Mateo, to whom was referred Senate Bill, No. 142, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Funding and Payment of the Outstanding Unfunded Claims against the City of San Francisco and against the County of San Francisco, as they existed prior to the first day of July, one thousand eight hundred and fifty-six," approved April twentieth, one thousand eight hundred and fifty-eight, have had the same under consideration, and report the bill back, with

amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

Amend by inserting after the word "Supervisors," in section one, line

two, the words "Treasurer and Auditor."

Also, after the words "San Francisco," line seven, insert "and claims against said city known as 'red backs.'"

After the word "warrants," line eighteen, insert "and claims." Strike out all after the word "provided," line twenty-two, to end of section, and insert "Said committee shall base their approval or rejection of said warrants and claims upon the basis assumed and acted upon by the Board of Examiners under the act to which this act is amendatory and supplementary; and, provided further, the bonds to be issued under the provisions of this act shall not exceed the sum of twenty-five thousand dollars."

For the Delegation.

Placed on file.

SPECIAL ORDER.

Senate Bill, No. 141, An Act to authorize certain Counties to retain the State's portion of the Poll-Tax, less that amount authorized by law to be paid into the General School Fund, and the State's portion of the Foreign Miners' License Tax, which shall be collected in said Counties for the years one thousand eight hundred and sixty and sixty one, to be applied to the Construction and Improvement of certain Wagon Roads over the Sierra Nevada.

The question being on its passage.

Pending the discussion of which, Mr. Merritt moved the previous ques-

Sustained.

The question being, "Shall the main question be now put?" it was carried.

The main question being, "Shall the bill pass?" the aves and noes were demanded, by Messrs. Merritt, Titus, and Lansing, and taken with the following result: Ayes, 18-noes, 13:

Ayes-Messrs. Bradley, Ballon, Clark, Crittenden, Dent, Denver, Eagon, Franklin, Kirkpatrick, Leet, Parker, Parks, Quinn, Titus, Vance, Watkins, Watson, and Wheeler-18.

Noes-Messrs. Chase. De la Guerra, Edgerton, Haynes, Lansing, Logan, McDonald, Merritt, O'Farrell, Peachy, Pico, Redman, and Ryan-13.

So the bill passed.

Messrs. Anderson, Dickinson, and Phelps, declined to vote. Mr. Titus moved to reconsider the vote just taken, now.

Mr. Merritt rose to a point of order, that it is not in order to move for a reconsideration of a vote on the passage of a bill before the title of the bill is read.

The Chair docided the point of order well taken.

Mr. Watson gave notice that on to-morrow he would move for a reconsideration of the vote just taken.

FURTHER SPECIAL ORDER.

Senate Bill, No. 58, An Act to provide for the Construction of the State

Capitol in the City of Sacramento-was considered in Committee of the Whole and amended.

IN SENATE.

Mr. Leet moved to make the further consideration of the bill the special order for Saturday, March twenty-fourth, at twelve, M.

Lost.

On motion of Mr. Clark, it was made the special order for to-morrow, at twenty minutes past eleven o'clock.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, March 21, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have approved Senate Bill, No. 126, An Act to amend an Act entitled "An Act concerning the office of Public Administrator, and making it Elective," approved April fifteenth, one thousand eight hundred and fifty-one;

Also, Senate Bill, No. 132, An Act defining the number of Justices of the Peace and Constables, for the City and Township of Placerville, in

El Dorado County;

Also, Senate Bill, No. 216, An Act authorizing and empowering the County Recorder of Sonoma County to Transcribe certain Records, and to Legalize the same:

to Legalize the same;
Also, Senate Bill, No. 105, An Act supplementary to, and amendatory
of, "An Act concerning Offices," approved April twenty-eighth, one thou-

sand eight hundred and fifty-one;

Also, Senate Bill, No. 32, An Act to Exempt from Taxation certain Property of the Trustees of the Masonic Hall Association;

Also, Senate Bill, No. 169, An Act for the Relief of Michael Gregory. Also, Senate Bill, No. 73, An Act amendatory of, and supplementary to, "An Act to grant the right to Construct and Maintain a Bridge across Feather River," approved April twenty-six, one thousand eight hundred

and fifty-eight;
Also, Senate Bill, No. 159, An Act to change the Name of the Town of

Union to that of Arcata.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, March 21, 1860.

To the Honorable the Senate of California:

I transmit herewith a communication from the Attorney-General of the State, recommending that a Joint Resolution be passed by the Legislature, authorizing the dismissal of the suit, now pending, wherein the State is plaintiff, and S. A. McMeans and others, are defendants.

As it would seem that the continuance of the controversy can only involve the State in the payment of costs, without any benefit resulting therefrom, I would respectfully suggest that the resolution be passed.

JOHN G. DOWNEY,

Governor.

The mossage and organization therein referred to, was referred to the Committee on Finance

Missi is FROM THE ASSEMBLY

The following messages were received from the Assundy:

Assimply Calvon. March 21, 1860

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R K WISTON

Assistant Cherk of Assombly

Assumity Charges, March 21, 1820

Mr. Parser and - T . Assembly, on yesterday, passed Senate Bill, No.

172. An Act for the Payment of certain Claims;

As an in Associated to the Residue No. 61. Relative to the second Residue No. 61. Relative to the second Residue No. 61. Relative to the Embassy.

R K WESTON

Associate Clark of Assembly

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Note: Misses Anders v. Pradley, Bullon, Clark, Don, English, Kirkvaria, A. J., B. J. J., M. D. and, Parker, Phops R. Jane, Vance, and Wats n=16

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Mr. Larks to visit on the result in moth, talls

the cycle in the swere main the two Messes Sharp, Bradley in 1 Wais and taken with the fear white result: Ayes 12-aces, 15:

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N rs-Mosses, Clais, Dent. Eng in Haynes, Leit. L. ran, M. D. vald, O. Farrell, Pholps. Reiman, Ryan, Sharp, Titas, Valce, and Watsen-15.

So the matter was lost

The question teng in the adoption of the resolution, the ares and nees

were demanded, by Messrs. Dickinson, Quinn, and Parker, and taken with following result: Ayes, 20—noes, 1:

AYES—Messrs. Anderson, Bradley, Dent, Dickinson, Eagon, Franklin, Haynes, Kirkpatrick, Lansing, Leet, Logan, McDonald, Parker, Phelps, Quinn, Redman, Ryan, Sharp, Titus, and Watson—20.

Noes—Mr. Ballou—1.

So the resolution was adopted.

On motion of Mr. Parker, Mr. Watson was made Chairman of said Committee, and Mr. Dickinson was appointed by the Chair, (Mr. Watson). On motion of Mr. Kirkpatrick, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

Senate Chamber, Thursday, March 22, 1860.

Senate met pursuant to adjournment. President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Merritt, Chairman of the Judiciary Committee, reported back a petition from citizens of San Francisco, relative to the Chinese.

Referred to the Committee on Federal Relations.

REPORTS.

Mr. Parks, of Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee on Enrollment have examined Senate Bill, No. 108, An Act amendatory of, and supplementary to. an Act entitled "An Act to create Inspectors of Pork, Beet, and Salt Provisions in this State," approved April twenty-first, one thousand eight hundred and fifty-six, and have found the same correctly enrolled, and have taken the same to the Governor.

W. H. PARKS,

Of Committee.

Report accepted.

Mr. Titus, Chairman of the Committee on State Hospitals, made the following report:

Mr. President:—The Hospital Committee, to whom was referred Senate Bill, No. 233, An Act to establish an Eye and Ear Infirmary, with a petition of the citizens of San Francisco in its behalf, having had the same under consideration, respectfully report it back, and recommend that it be indefinitely postponed.

J. S. TITUS, Chairman.

Placed on file.

Mr. Wheeler, of the Yuba and Sutter Delegation, made the following report:

Mr. President:—The delegation from Yuba and Sutter, to whom was referred Assembly Bill, No. 244, An Act to regulate the Care and Maintenance of the Indigent Sick in and for the County of Yuba, having had the same under consideration, hereby report it back and recommend its passage, with the following amendments:

Amend section fourth by adding the following proviso:

Provided, no such removal shall take place unless said Hospital Physician shall have been guilty of some misconduct or neglect of duty; in which case he shall be furnished, by the Board of Supervisors, at least three days before the hearing, with written specifications of the charges made against him, and he shall have the right to appear before the Board and contest such charges.

Amend section sixth, by adding the following proviso:

Provided, no removal shall take place unless said Hospital Warden shall have been guilty of some misconduct or neglect of duty; in which case he shall be furnished, by the Board of Supervisors, at least three days before the hearing, with written specifications of the charges made against him, and he shall have the right to appear before the Board and contest such charges.

Amend section tenth by striking out the following words: "unless they get a lower private bidder."

Amend section twelfth by striking out the following words: "unless

there is a lower private offer."

Amend section eighteenth by striking out the word "July," in the tenth line, and inserting in place thereof the word "October;" also, in the twentieth line, strike out the word "September" and insert in place thereof the word "January;" also, in the twenty-first line, after the word "sixty," add the word "one."

Amend section twenty-fourth by adding the following proviso:

Provided, that any indebtedness now existing against the Hospital Fund of said county of Yuba shall be entitled to be paid in its regular order, as heretofore, out of any moneys in said fund, up to, and including, October first, a. b. one thousand eight hundred and sixty, after which time it shall not be lawful to pay any of the indebtedness mentioned in section eighteen of this act, except as directed by the provisions of this section.

E. D. WHEELER,

Of Delegation.

Placed on file.

Mr. Anderson, by leave, introduced a bill for an act entitled An Act to Incorporate the Town of Auburn.

Read first and second times.

On motion of Mr. Anderson, the rules were suspended, the bill considered engrossed, read a third time, and passed, and the Forty-Fifth Standing Rule suspended and the bill transmitted to the Assembly.

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 58, An Act for the Construction of the State Capitol

in the City of Sacramento-was further considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

Upon concurring in amendments, consisting of sections fourteenth, fifteenth, and sixteenth, offered by Mr. Sharp-

The ayes and noes were demanded by Messrs. Anderson, Vance, and Merritt, and taken with the following result: Ayes, 18-noes, 15:

AYES-Messrs. Bradley, De la Guerra, Fagon, Franklin, Kirkpatricke Lansing, Leet, O'Farrell, Parker, Peachy, Phelps, Redman, Ryan, Sharp Titus, Watkins, Watson, and Wheeler-18.

Nors-Messrs, Anderson, Ballou, Clark, Chase, Dent, Denver, Dickinson, Edgerton, Haynes, Logan, McDonald, Merritt, Parks, Quinn, and

Vance-15.

So the amendments were concurred in.

The question being on ordering the bill engrossed.

Mr. Ryan moved to suspend the rules, consider the bill engrossed, read a third time, and put it on its passage.

Upon which the ayes and noes were demanded by Messrs. Ballon, Eagon, and Vance, and taken with the following result: Ayes, 19-noes, 13:

Ayes-Messrs, Clark, Chase, De la Guerra, Dent, Denver, Edgerton, Haynes, Kirkpatrick, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Ryan, Sharp, and Wheeler-19.

Noes-Messrs. Anderson, Bradley, Ballou, Dickinson, Eagon, Franklin,

Lansing, Leet, Quinn, Redman, Titus, Vance, and Watkins-13.

It requiring a two-third vote to suspend the rules, the motion was lost. The bill was then ordered engrossed and read a third time.

Mr. Anderson called for the further special order.

Upon which Mr. Merritt rose to a point of order: That in order to proceed with the special orders of the day, a motion must be made to that effect; otherwise the special order must drop.

The Chair ruled the point of order well taken.

On motion of Mr. Merritt, the further special order was taken up.

FURTHER SPECIAL ORDER.

Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead in the City and County of San Francisco-was considered in Committee of the Whole.

IN SENATE.

Mr. Phelps moved to make the further consideration of the bill the special order for Tuesday, March twenty-seventh, at twenty minutes past eleven, A. M., and every day thereafter, at the same hour, until disposed

Mr. Anderson moved to amend by offering the following as a substitute: That the further consideration of the bill be discontinued for to-

Upon the adoption of which, the ayes and noes were demanded by Messrs. Anderson, Edgerton, and Lansing, and taken with the following

result: Ayes, 16—noes, 18: 32sen

AYES-Messrs. Anderson, Bradley, Ballon, Chase, Dickinson, Eagon, Edgerton, Franklin, Lansing, Leet, Quinn, Titus, Vance, Watkins, Wat-

son, and Wheeler-16.

Noes-Messrs, Clark, Crittenden, De la Guerra, Dent, Denver, Haynes, Kirkpatrick, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Redman, Ryan, and Sharp-18.

So the motion was lost.

Mr. Leet moved to amend, by making the bill the special order for to-morrow, at half past eleven, A. M., and every day thereafter, at the same hour, until disposed of.

Upon which the ayes and noes were demanded by Messrs. Merritt, Ryan, and Leet, and taken with the following result: Ayes, 16-noes,

16:

AYES—Messrs. Anderson, Bradley, Ballou, Chase, Dent, Denver, Diekinson, Eagon, Edgerton, Franklin, Lansing, Leet, Quinn, Titus, Vance, and Wheeler—16.

Noes-Messrs. Clark, Crittenden, De la Guerra, Haynes, Kirkpatrick, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Redman, Ryan, and Watson-16.

So the motion was lost.

Mr. Parker moved the previous question.

Not sustained.

Mr. Dickinson moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Ryan, Dickinson, and Merritt, and taken with the following result: Ayes, 16-noes, 18:

AYES-Messrs. Anderson, Bradley, Ballou, Chase, Denver, Dickinson, Eagon, Edgerton, Franklin, Lansing, Leet, Quinn, Titus, Vance, Watkins, and Wheeler-16.

Noes-Messrs, Clark, Crittendon, De la Guerra, Dent, Haynes, Kirk-patrick, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy,

Phelps, Redman, Ryan, Sharp, and Watson-18.

So the motion was lost.

The question recurring on Mr. Phelps' motion, it was carried.

On motion of Mr. Wheeler, the Senate adjourned.

I. N. QUINN,

President of the Senate.

- Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Friday, March 23, 1860.

Sonate met pursuant to adjournment. President in the Chair. Roll called. Journal of yesterday read and approved.

Mr. Sharp presented a petition from citizens of San Francisco, praying for an appropriation in aid of the California State Institution for the Deaf, and Dumb, and the Blind.

Referred to the Committee on Public Morals.

Mr. Sharp presented a petition from F. J. Thibault, praying for relief; Also, a bill for an act entitled An Act to authorize and direct the Treasurer of the State of California to pay over to F J. Thibault certain Audited Claims.

Read first and second times, and with petition, was referred to the

Judiciary Committee.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act to authorize the President of the Board of Supervisors, the Auditor, and Treasurer, of the City and County of San Francisco, to provide for the actual and prospective Deficiency in the Corporation Debt Fund of said City and County, for the fiscal year one thousand eight hundred and fifty-nine and one thousand eight hundred and sixty.

Read first and second times

On motion of Mr. Sharp, the rules were suspended, the bill considered engrossed, read a third time and passed, and the bill was transmitted to the Assembly.

Mr. Dickinson asked and obtained leave of absence for Mr. Titus, for

three days.

REPORT.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. PRESIDENT:- The Committee on Engrossed Bills, have examined Senate Bill, No. 58, An Act to provide for the Construction of the State Capitol in the City of Sacramento, and find the same correctly engrossed.

Chairman.

Report accepted.

Mr. Merritt moved to suspend the rules, and consider the bill just re-

ported.

Upon which, the ayes and noes were demanded by Messrs. Ryan, Redman, and O'Farrell, and taken with the following result: Ayes, 24noes, 10:

Ayrs-Messrs, Anderson, Bradley, Clark, Chase, Crittenden, De la Guerra, Dent, Denver, Eagon, Haynes, Kirkpatrick, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Quinn, Ryan, Sharp, and Watson-24.

Nors-Messrs. Ballou, Dickinson, Edgerton, Franklin, Lansing, Leet,

Redman, Vance, Watkins, and Wheeler-10.

So the motion prevailed.

Mr. Merritt moved the previous question, which was sustained.

The question being, "Shall the main question be now put?" it was carried.

The question now being on the passage of the bill, the ayes and noes were demanded, by Messrs. Redman, Ryan, and Vance, and taken with the following result: Ayes, 26-noes, 7:

AYES-Messis. Bradley. Ballou, Clark, Chase, Crittenden, Dent, Denver, Eagen, Edgerton, Haynes, Kirkpatrick, Leet, Logan, McDonald,

Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Quinn, Ryan, Sharp, Watkins, and Wheeler-26.

Noes-Messrs. Anderson, De la Guerra, Franklin, Lausing, Redman,

Vance, and Watson-7.

So the bill passed.

On motion of Mr. Sharp, the title of the bill was amended so as to read as follows:

An Act to provide for the construction of Capitol Buildings in the City of Sacramento and for the permanent location of the Sapreme Court at the City and County of San Francisco.

Mr. Ballou gave notice that on to morrow, he would move for a recon-

sideration of the vote just taken.

On motion of Mr. Lansing, the special order was taken up.

SPECIAL ORDER.

Senate Bill, No. 43, An Act to provide Revenue for the Support of the Government of this State—was considered in Committee of the Whole, and amended.

IN SENATE.

On motion of Mr. Kirkpatrick, the further consideration of the bill was dispensed with for to-day.

On motion of Mr. Sharp, the further special order of the day was taken up.

FURTHER SPECIAL ORDER.

Senate Bill, No. 190, An Act to appropriate Fifteen Thousand Dollars for the Construction of a Wagon Road through the County of Santa Barbara—was considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

Upon ordering the bill engrossed and read a third time, the ayes and noes were demanded, by Messes. Merritt, Chase, and Parks, and taken with the following result: Ayes, 20—noes, 6:

AYES—Messrs. Anderson, Clark, Crittenden, De la Guerra, Dent, Dickinson, Edgerton, Leet, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Sharp, Watkins, and Watson—20.

Noes-Messrs. Bralley, Chase, Eagon, Franklin, Haynes, and Lan-

sing-6.

So the bill was ordered engrossed and read a third time.

Mr. Merritt gave notice that on to-morrow he would move for a reconsideration of the vote just taken.

FURTHER SPECIAL ORDER.

Assembly Bill, No. 234, An Act to authorize Francis Schultze, Chancellor Hartson, and such others as they may see fit to associate with themselves, to build a Wharf at the foot of Main Street in Napa City in

the County of Napa-was, on motion of Mr. Edgerton, referred to the Judiciary Committee.

On motion of Mr. Parks, Senate Bill, No. 140, An Act for the Reclamation and Disposal of the Swamp and Overflowed Lands, was made the special order for to-morrow, at twenty minutes after cleven, A. M.

On motion of Mr. Merritt, the vote whereby Senate Bill, No. 190, An Act to appropriate Fifteen Thousand Dollars for the Construction of a Wagon Road through the County of Santa Barbara, was ordered engressed, was reconsidered.

On motion of Mr. De la Guerra, the rules were suspended, the bill con-

sidered engrossed, and read a third time.

On its passage, the ayes and noes were demanded, by Messrs. Merritt, Lansing, and Dickinson, and taken with the following result: Ayes, 20—noes, 10:

AYES—Messrs. Anderson, Crittenden, De la Guerra, Dent. Denver, Edgerton, Kirkpatrick. Lect, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Sharp, Watkins, Watson, and Wheeler—20.

NOES-Messrs. Bradley, Ballon, Chase, Dickinson, Eagon, Franklin,

Haynes, Lansing, Logan, and Merritt-10.

So the bill passed.

Mr. Edgerton, by leave, introduced a bill for an act entitled An Act to provide for the Location of the County Seat of Yolo County.

Read first and second times, and referred to the Judiciary Committee.

Mr. Watson, Chairman of the Committee on Federal Relations, made
the following report:

Mr. President:—The Committee on Federal Relations, to whom was referred Assembly Bill, No. 65, have taken the same under consideration, and report the same back, and recommend its passage.

JOHN H. WATSON,

Chairman.

Placed on file.

Mr. O'Farrell, by leave, introduced a bill for an act entitled An Act to establish Pilots and Pilot Regulations, for the Port of San Francisco.

Read first and second times, and referred to the San Francisco Delega-

Mr. Merritt moved that the Senate do now adjourn.

Lost

On motion of Mr. Leet, Assembly Bill, No. 226, An Act to authorize the American River Water and Mining Company to extend their Works to or near the City of Sacramento, in the County of Sacramento, for the purpose of Supplying the Inhabitants of said County with Water for Irrigating, Mechanical, Manufacturing, and other Purposes, for which the same may be required, was taken from file and amendments of committee concurred in.

On motion of Mr. Merritt, the bill was referred to the Committee on Corporations.

On motion of Mr. Bradley, Senate Bill, No. 226, An Act to Appropriate Money to pay the Claim of Charles A. Clark, was made the special order for Tuesday, March twenty-seventh, at half-past eleven, A. M.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

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the Board of Supervisors of El Dorado County to levy a Toll for the crossing of Brockliss' Bridge, on the Sacramento and El Dorado Wagon Road:

Also, Senate Bill, No. 78, An Act defining the Locality of the Village of Strawberry Valley;
Also, Senate Bill, No. 215, An Act to fix the Compensation of the

County Judge of Tulare County:

Also, substitute for Assembly Bill, No. 42, An Act to amend "An Act to exempt the Homestead and other Property from Forced Sale in certain cases," passed April twenty-first, one thousand eight hundred and fifty-

Also, on the fourteenth instant, passed Assembly Bill, No. 264, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to amend an Act to establish an Asylum for the Insane of the State of California," approved May seventeenth, one thousand eight hundred and fifty-four, approved April fifteenth, one thousand eight hundred and fifty-nine.

R. K. WESTON, Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill, No. 89, An Act creating the office of State Geologist, and to define the Duties thereof-was reported back, with amendments.

On motion of Mr. Sharp, it was made the special order for Thursday,

March twenty-ninth, at thirty minutes past eleven, A. M.

Assembly substitute for Senate Bill, No. 39, An Act authorizing the Board of Supervisors of El Dorado County to levy a Toll for the crossing of Brockliss' Bridge, on the Sacramento and El Dorado Wagon Roadwas read first and second times, and referred to the El Dorado Delegation.

Assembly Bill, No. 42, An Act to amend "An Act to exempt the Homestead and other Property from Forced Sale in certain cases," passed April twenty-first, one thousand eight hundred and fifty-one-was read first

and second times, and referred to the Judiciary Committee.

On motion of Mr. Clark, the usual number of copies were ordered

Assembly Bill, No. 264, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to amend an Act to establish an Asylum for the Insane of the State of California," approved May seventeenth, one thousand eight hundred and fifty-four, approved April fifteenth, one thousand eight hundred and fifty-nine-was read first and second times, and referred to the State Hospital Committee.

Mr. Leet moved that the Senate do now adjourn.

Lost.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, March 23, 1860.

Mr. President:—The Assembly have this day passed Assembly Bill, No. 351, An Act making an Appropriation for Deficiencies for the Eleventh Fiscal Year, ending the thirtieth day of June, A. D., one thousand eight hundred and sixty;

Also, on the twenty-second instant, passed Assembly Bill, No. 298. An Act conferring further Powers on the Board of Supervisors of the City and County of San Francisco.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 351, An Act making an Appropriation for Deficiencies for the Eleventh Fiscal Year, ending the thirtieth day of June, one thousand eight hundred and sixty—was read first and second times.

On motion of Mr. Merritt, the rules were suspended, the bill read a

third time and passed.

Assembly Bill, No. 298, An Act conferring further Powers on the Board of Supervisors of the City and County of San Francisco—was read first and second times, and referred to the San Francisco Delegation.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber,

March 23, 1860.

Mr. PRESIDENT: - The Assembly on yester by passed Assembly Bill, No

232, An Act to Regulate Fees of Office in Mariposa County;

Also, substitute for Assembly Bid, No. 97. An Act amendatory of, and supplementary to, "An Act approved April twenty-ninth, one thousand eight hundred and fifty-seven, to provide Revenue for the Support of the Government of this State from a Tax to be levied and collected from Foreign and Inland Bills, and other Matter";

Also, on the fifteenth instant, Assembly Bill, No. 265, An Act supplemental to an Act passed March twenty-seventh, one thousand eight hundred and fifty, entitled "An Act concerning the Office of Assessor":

Also, on the nineteenth instant, Assembly Bill, No. 313, An Act to authorize R. P. Andrews, the Administratrix of the Estate of John Andrews, deceased, to sell the Real Estate of said deceased at Private Sale.

R. K. WESTON,

Ass't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 232, An Act to Regulate Fees of Office in Mariposa County—was read first and second times, and referred to the Mariposa

Delegation.

Assembly Bill, No. 97, An Act amendatory of, and supplementary to, "An Act approved April twenty-ninth, one thousand eight hundred and fifty-seven, to provide Revenue for the Support of the Government of this State from a Tax to be levied and collected from Foreign and Inland Bills, and other Matter"—was read first and second times, and referred to the Committee on Finance.

Assembly Bill, No. 265, An Act supplemental to an Act passed March twenty-seventh, one thousand eight hundred and fifty, entitled "An Act concerning the Office of Assessor"—was read first and second times, and

referred to the Committee on Finance.

Assembly Bill, No. 313, An Act to authorize R. P. Andrews, the Ad-

ministratrix of the Estate of John Andrews, deceased, to sell the Real Estate of said deceased at Private Sale—was read first and second times.

On motion of Mr. Bradley, the rules were suspended, the bill read a third time and passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

Mr. President:—The Assembly on yesterday passed Assembly Bill, No. 289, An Act relating to the Sureties upon the Official Bonds of S. A. McMeans, late State Treasurer.

J. M. ANDERSON, Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 289, An Act relating to the Sureties upon the Official Bonds of S. A. McMeans, late State Treasurer—was read first and second times, and referred to the Judiciary Committee.

INTRODUCTION OF BILLS.

Mr. O'Farrell, by leave, introduced a bill for an Act entitled An Act supplemental to an Act entitled "An Act to provide for the Formation of Corporations for certain Purposes," passed April fourteenth, one thousand eight hundred and fifty-three.

Read first and second times, and referred to the Committee on Corpo-

rations.

Mr. Parker, by leave, introduced a bill for an act entitled An Act to authorize Jeremiah V. Hollinsead to convey certain Real Estate.

Read first and second times, and referred to the San Francisco Delega-

Mr. Kirkpatrick moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Kirkpatrick, and Clark, and taken with the following result: Ayes, 14-noes, 11:

Aves-Messrs. De la Guerra, Dent, Denver, Dickinson, Edgerton, Franklin, Haynes, Kirkpatrick, Logan, Merritt, Parks, Peachy, Pico, and Wheeler-14.

Noes-Messrs. Bradley, Clark, Lansing, Leet, McDonald, O'Farrell, Parker, Phelps, Quinn, Redman, and Sharp-11.

So the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,

Saturday, March 24, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Sharp presented a petition from citizens of San Francisco, remonstrating against the passage of any law granting to parties the right to construct railroads in San Francisco.

Referred to the Committee on Roads and Highways.

REPORTS.

Mr. Watkins, Chairman of Committee on Claims, made the following report:

Mr. President:—The Committee on Claims, to whom was referred the report of the Commissioners of the California War Debt, beg leave to

make the following report:

Upon examination, we find that the entire war indebtedness of the State, up to January first, one thousand eight hundred and fifty-four, principal and interest, amounted to nine hundred and twenty-four thousand two hundred and fifty dollars and sixty-five cents.

That in one thousand eight hundred and fifty-four Congress made an

appropriation to pay the full amount of this indebtedness.

That the State of California took no direct action to obtain this fund until the year one thousand eight hundred and fifty-six, when Commissioners were sent by the State to Washington, charged with power to receive and disburse this sum to the bondholders.

That they, upon the first day of September, one thousand eight hundred and fifty-six, first commenced the payment of bonds under the law of Congress, paying the principal in full, with interest up to January first,

one thousand eight hundred and fifty-four.

That the coupons for interest which accrued from January first, one thousand eight hundred and fifty-four, up to September first, one thousand eight hundred and fifty-six, after being detached from the bonds and stamped by the Commissioners, were returned by them to the bondholders, and that the total amount of these coupons now outstanding, together with certificates issued by the Commissioners for fractional parts of coupons on the twelve per cent. bonds, is one hundred and seventy-two thousand eight hundred and twenty-eight dollars and fifty-four cents, for the payment of which no provision has yet been made. There can be no doubt but that the State should have paid this interest as the same fell due.

The laws authorizing the issuance of the bonds provided that the interest should be paid on the twelve per cents, semi-annually on the first day of March and September of each year, and on the seven per cents, annually on the first day of January of each year from and after their issuance. The bonds carried this pledge upon their face; the coupons attached promised the same. The bonds were transferable by delivery, and no doubt passed through many different hands. Parties purchasing had a right to expect that the interest would be paid by the State,

as set forth on the face of the bonds. They were signed by the Controller and Treasurer of State, indorsed by the Governor, stamped with the seal of State, and it is strange that the solemn pledge of the State should not ere this have been fulfilled.

A majority of the holders of this indebtedness have, however, as your committee are informed, expressed a willingness to surrender their evidences of indebtedness, that is to say, their unpaid coupons and certificates, and receive in lieu thereof bonds of the State, payable at some

future date. Certainly the State cannot refuse to do this.

In response to this, your committee have prepared a bill which is herewith reported, authorizing the funding of this debt, and the issuance of bonds payable in the year one thousand eight hundred and seventy, bearing interest at the rate of seven per cent, per annum, containing a provision that if the General Government shall make provision for the payment of the same at an earlier date, the State shall have the privilege of calling them in by giving sixty days' notice, from and after which time they shall cease to bear interest.

In recommending the passage of this bill your committee have only to add that they feel that, at best, the State has been strangely tardy in providing for the payment of this indebtedness, and they hope that the

same may be favorably and at once considered by the Senate.

WATKINS, Chairman.

Placed on file.

On motion of Mr. Watkins, the bill just reported was read first and second times and made the special order for Monday, March twenty-sixth, at twelve, M.

Mr. Dickinson, of Committee on Public Expenditures, made the follow-

ing report:

Mr. President:—The Committee on Public Expenditures have examined the copying done for the Senate and find as follows up to date, March twenty-second, one thousand eight hundred and sixty:

Purpose.	No. Folios.	Price.	Amount.
Senate Bill, No. 167	70 16 25 80 10 10 16 30 125 75 180 120	10 cts. 10 cts.	\$7 00 1 60 2 50 8 00 1 00 1 60 3 00 12 50 7 50 18 00 12 00
Totals	777	10 cts.	\$77 20

Examined, audited, and allowed, this twenty-fourth day of March, one thousand eight hundred and sixty.

DICKINSON,
For Committee.

Adopted.

Mr. Walkins, Chairman of the Committee on Claims, made the following report:

Mr. President:—The Committee on Claims, to whom was referred the claim of Shafters and Heydenfeldt, for legal services, beg leave to make

the following report:

In November, one thousand eight hundred and fifty-seven, when the Tax Collector of San Francisco was proceeding to enforce the collection of taxes by making sales of the taxable property, he was enjoined from proceeding in thirty-six suits which were commenced against him by bills filed in chancery, on behalf of the largest property-holders of San Francisco. By these suits over one hundred and twenty thousand dollars of taxes were enjoined. The ordinary official duties of the City and District Attorneys rendered it impossible for them to attend to these suits. The entire revenue system was attacked, both on constitutional grounds and the charge of various irregularities, differing from each other in the different suits which had been brought. These suits had to be met promptly or they threatened to demoralize the collection of the revenue throughout the State.

In this emergency the Hon. G. W. Whitman, then Controller of State, acting under his general powers to prosecute delinquencies, united with the city authorities of San Francisco, and employed the claimants to rep-

resent the State and city in these suits to their final termination.

The claimants undertook the defense of these suits with promptness; put in answers in all the cases, prepared them for trial, argued them in the District Court, and afterward prepared and argued five of them in the Supreme Court, which involved all the main questions at issue. They were successful throughout the entire litigation, and the delinquent taxes were finally collected and paid over into the city and State treasuries.

In the determination of these suits the principles which were settled in favor of the State are of much greater importance than the amounts in controversy; they determine a variety of vexed questions, and will forever remain as a guide and safeguard to the future legislation of the State on the important subject of revenue. If it were only for this, your committee think that the claimants ought to be liberally remunerated.

Your committee further find, that since the termination of the said suits, there have been commenced against the Tax Collector of San Francisco eleven suits to recover back money paid for taxes under protest; that, if these suits are successful, the State will have to refund her due proportion of the same for the relief of the Tax Collector; that the claimants have undertaken the defense of these suits under the original employment by the State Controller, although it was not then anticipated that there would be this additional litigation.

Your committee think that it is important to the interest of the State that these suits should be well defended, and do not think that they could be placed in safer hands than that of the claimants, and that they ought

to be properly remunerated for these services.

We are also of opinion that the charges made by claimants against the State are reasonable, and more moderate than the same services would be rendered to a private individual. They, therefore, recommend the passage of the accompanying bill.

WATKINS,

Chairman.

On motion of Mr. Watkins, the bill just reported was read first and

second times and placed on file.

Mr. Bradley, by leave, introduced a bill for an act entitled An Act making an Appropriation for Deficiency in the Appropriation made for the Salary of Controller of State for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty.

Read first and second times.

On motion of Mr. Bradley, the rules were suspended, the bill ordered engrossed, and read a third time.

REPORTS.

Mr. Parker, of the San Francisco Delegation, made the following report:

Mr. President:—The delegation from Senatorial District, No. 5, to whom was referred Senate Bill, No. 240, An Act to authorize Jeremiah V. Hollinsead to convey certain Real Estate, have had the same under consideration, and recommend the passage of the same without amendment.

S. H. PARKER,

For Delegation.

Placed on file.

On motion of Mr. Parker, the rules were suspended, the bill just reported taken up, considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

Mr. Sharp, of the San Francisco Delegation, made the following report:

Mr. President:—The delegation from the Fifth Senatorial District, to whom was referred Senate Bill, No. 170, have had the same under consideration, and herewith report the same back, with the following amendments, and recommend the passage of the bill as amended.

SOL. A. SHARP,

For the Delegation.

Placed on file.

On motion of Mr. Sharp, the rules were suspended and the bill just reported taken up and considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. O'Farrell, the rules were further suspended, the bill considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act for the Relief of the Indigent Deaf and Dumb and the Blind in California.

Read first and second times, and referred to the Committee on Public Morals.

SPECIAL ORDER.

Senate Bill, No. 140, An Act for the Reclamation and Disposal of the Swamp and Overflowed Lands of this State.

The question being on the passage of the bill.

Mr. Parks moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Ballou, Edgerton, Franklin, Parker, Phelps, Ryan, Redman, and Crittenden.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Redman and Mr. Ballou, appearing at the bar of the Senate, were admitted.

On motion of Mr. Clark, further proceedings under the call were dis-

pensed with.

The question being upon the passage of the bill, the ayes and noes were demanded, by Messrs. Dickinson, Clark, and Dent, and taken with the following result: Ayes, 11—noes, 10:

AYES-Messrs. Clark, Dent, Kirkpatrick, Leet, McDonald, Merritt,

O'Farrell, Parker, Parks, Pico, and Wheeler-11.

Noes-Messrs. Bradley, Ballou, Chase, Dickinson, Haynes, Lansing, Logan, Quinn, Vance, and Watson-10.

So the bill passed.

Mr. De la Guerra declined to vote.

Mr. Leet gave notice that on Monday, he would move for a reconsideration of the vote just taken.

FURTHER SPECIAL ORDER.

Senate Bill, No. 183, An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States—was, on motion of Mr. Sharp, made the special order for Tuesday, March twenty-seventh, at twelve, M.

Mr. Chase, minority of Select Committee, made the following report:

Mr. President:—The undersigded, a minority of the committee who have had under consideration Senate Bill, No. 117, entitled An Act to provide for the Payment of Two Hundred and Fifty Thousand Dollars of the Outstanding Indebtedness of the State, beg leave to submit the fol-

lowing report:

This bill involves, directly, the constitutional right of the Legislature to appropriate money out of the treasury to pay all claims of a civil nature, which accrued against the State prior to the first of January, one thousand eight hundred and fifty-seven, without first submitting the question to the people, in accordance with the provisions of the eighth article of the Constitution. These claims consist of bonds, warrants, and accounts, audited and unaudited, and certificates of balances, not funded under the Act of April twenty-eighth, one thousand eight hundred and fifty-seven, entitled "An Act to provide for Paying certain Equitable Claims against the State and to contract a Funded Debt for that purpose." The amount of such claims, exclusive of those which may be hereafter audited, is one hundred and sixty-three thousand seven hundred and eighty-four dollars. There are other claims awaiting legislative action, which will undoubtedly swell the sum total to two hundred thousand dollars.

The bonds authorized to be issued under the act of the twenty-eighth of April, one thousand eight hundred and fifty-seven, for the sum of

three million nine hundred thousand dollars, having exhausted that sum, provision should be made for the balance of just claims against the State at the earliest practicable period. The undersigned, however, are of opinion that there is but one constitutional way of disposing of these claims, and that is by a submission to the people, in conformity with the eighth article of the Constitution. The provisions of this article are very explicit: "The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall singly, or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in the case of war, to repel invasion, or suppress insurrection." It is not contended that these outstanding liabilities originated in repelling invasion, or suppressing insurrection; nor will it be denied that when they accrued the limitation of three hundred thousand dollars had been reached beyond the indebtedness contracted by the first Legislature. The second Legislature of this State, under the act of April nineteenth, one thousand eight hundred and fifty-one, contracted a funded debt of seven hundred thousand dollars, being four hundred thousand dollars over the constitutional limitation, three hundred and fifty thousand dollars payable in one thousand eight hundred and fifty-five, and three hundred and fifty thousand dollars in one thousand

eight hundred and sixty-one.

If any indebtedness has been contracted in violation of the Constitution, then was four hundred thousand dollars of the amount contracted at that time, and all the civil indebtedness since, up to January, one thousand eight hundred and fifty-seven, perhaps to September, one thousand eight hundred and fifty-seven, when the debt of three million nine hundred thousand dollars was ratified and adopted by the people. A discrimination is sometimes sought to be made as to the nature and kind of debt in determining its constitutionality. The Constitution, except from its limitation debts, contracted in repelling invasion and suppressing insurrection, the indebtedness contracted by the first Legislature, and three hundred thousand dollars. Beyond this, there is no qualification or further exception, as to the kind of debt or liability, or the time or manner of its contraction, and the Legislature is directly prohibited from contracting any further debt or permitting any further liabilities. According to all rules of construction, when there is a general prohibition and certain exceptions made, all others are excluded. Every mode of indebtedness, every liability whatever, of the State, outside of these exceptions, is within the clear prohibition. The idea has sometimes been entertained or expressed, that a debt may be contracted by virtue of the Constitution, separate and apart from that contracted by the Legislature, and that the latter only comes within the prohibition. Now, the Constitution contracts no debts. It is in itself inert. It is inoperative without legislation, and acquires vitality and force only through legislation.

The Legislature is the motive power that sets and keeps the wheels of government in motion. Whatever the Constitution contemplates, it contemplates legislation as a preliminary step. The Legislature is the business agent of the Constitution, and when prohibited from contracting debts beyond a certain amount, the only power to contract debts was supposed to be controlled. The distinction sometimes sought to be set up, that there is a constitutional indebtedness and a legislative indebtedness, is without foundation, there being no such thing as the creation of a debt by the Constitution. Whenever the revenues are inadequate to the expenses of the government, that deficiency is the result of legislative action, or rather, inaction. That deficiency, to whatever extent it

may exist, to whatever cause it may be owing, and whatever shape it may assume, whether of bonds, warrants, claims audited and allowed by the Legislature, or claims originating in the service and under the authority of the State, audited or not audited, constitutes the debt of the The evidences of the debt may be various, but this is immaterial. The debt may exist without evidence or recognition by the State, as, for instance, salaries accruing, and in arrears, when there is no money in the treasury to pay them, and with a law providing that no warrant shall be drawn except there is money in the treasury to meet those warrants, a disputed claim eventually established and allowed, a salary unknown or unclaimed at the time, but eventually acquiring validity through some new constitutional construction, as in the case of the salary in arrears in the Tenth Judicial District.

The debt of the State has assumed all these shapes. These debts originate where these services are rendered, not where they are recognized by the State. The constitutional provision makes no discrimination between the various kinds of civil indebtedness-nor is there any reason why it should. The salaries of Judges, of executive officers, the pay of members of the Legislature, are of the same and equal character. Nor is a debt due on account of any of those salaries of any higher or different nature than a debt due a Contractor who constructs a capitol or a prison. They are all alike contemplated by the Constitution, and when the Legislature provides no revenue to meet accruing claims, it contracts a debt to that extent.

We contend, then, that all the civil indebtedness contracted up to September, one thousand eight hundred and fifty-seven, was unconstitutional, except that contracted by the first Legislature, and eight hundred thousand dollars of that contracted, under the act of nineteenth of April, one thousand eight hundred and fifty-one, as under that act a debt of seven hundred thousand dollars was authorized to be contracted; four hundred thousand dollars of it was unconstitutional, and all since up to the time mentioned, September, one thousand eight hundred and fifty-seven.

The outstanding claims known and which it is proposed to pay out of

the money in the treasury, are as follows:

Bonds, Claims, etc.	Amount.	Total.	
Bonds issued in 1851 Bonds issued in 1852 Bonds issued in 1855 Bonds issued in 1856	54,000 00 16,000 00		
Total		\$97,500 0 20,190 3 40,093 9	30
Total Outstanding Claims recognized Old Claims that will be audited, say		\$163,784 20 36,215 7	26
Total		\$200,000 0	0

The amount to be provided for will not be less than two hundred thousand dollars, all of which was contracted regardless of the prohibition of the Constitution. But it is argued by many that, admitting this debt to be contracted in violation of the Constitution, it can be paid whenever there is money in the treasury, that the prohibition is from contracting,

not from paying.

If this is true, then the constitutional restriction is a valid provision. The only object of prohibiting the debt is, that the people may not be taxed to pay the same, unless they consent to do so in the manner they have prescribed. One mode alone is prescribed by which money can be brought into the treasury to meet such a debt-that is, by law, for some single object, to be distinctly specified, which shall provide ways and means, exclusive of leans, for the payment of the interest and principal, which law shall be irrepealable till such principal and interest is paid; all of which must be ratified by the people at a general election; and all money so raised shall be applied only to the payment of such debt. Why such industrious care to provide a mode in which a debt can be made constitutional and can be constitutionally paid, if ways and means can be provided for such payment, other than those provided by the Constitu-For what purpose this solemn enactment, this specific and exactly defined mode of procedure, this submission and ratification by the people, if ordinary legislation may dispense with all these cautious provisions, and, by a single act, accomplish the same result? The Constitution, in the most guarded and jealous manner, points out one mode of providing ways and means, requiring the joint action of the Legislature and the people, and which mode, when adopted, is beyond the reach of the Legislature—irrepealable by the Legislature; and yet it is contended that the Legislature alone can provide such ways and means.

If the Legislature can levy taxes, collect money, and pay it out, to discharge a debt that they are prohibited from contracting, then the prohibition is a meaningless expression, and this Legislature can contract a debt of fifteen millions, and the next Legislature levy taxes to pay it, without ever being embarrassed by the deliberate, scrupulous, step-by-

step process that the Constitution adopts and requires.

But it is a frequent remark, and one that has found its way into the halls of legislation, that a Legislature can make appropriations for any purpose-can throw away the money in the treasury, if they please. This proposition is alike unsound and dangerous. A dishonest Treasurer can appropriate and embezzle the revenue of the State, and dissipate all its accumulated wealth. The power exists, and the right is the same in the one case as the other. "Government is instituted for the protection, security, and benefit, of the people," says our Constitution. The Legislature are but Trustees for the people, to administer the government upon such principles and for such purposes. A waste by the Legislature of the revenues of the State, or an unconstitutional appropriation of its funds, is a crime against the people-a greater crime, because beyond the control of law.

But it has been contended that all the outstanding claims against the State were satisfied under the act of one thousand eight hundred and fifty-seven—that the question submitted to the people was—"to pay the

deht, or repudiate the debt."

The article of the Constitution providing for a mode of contracting a debt beyond the limitation, makes it necessary that the same shall be authorized by some law, which law shall provide ways and means to pay the interest and principal. The act of April twenty-eighth, one thousand

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eight hundred and fifty seven, providing for the payment of the civil indebtedness of the State, conforms exactly to the provisions of the Constitution.

There is a "single object distinctly specified" in that law, which object is to issue bonds "not to exceed the sum of three million nine hundred thousand dollars," for the purpose of funding certain description of claims. The law provides the ways and means for discharging the principal and interest of the debt funded, by a tax of thirty cents on each

one hundred dollars of the assessed value of property.

The law is specific as to the amount and character of claims that are to be submitted to the people for their ratification or rejection. The class of claims that could be funded was described. Certain classes of claims were prohibited from being funded, and the time for funding was limited to the first of January, one thousand eight hundred and fifty-nine. It was this law that was submitted to the people, and was ratified by them. Not one dollar more than was specified in that law was ratified. Any amount of claims or indebtedness, exceeding the amount specified in that law, had no sanction by the people, and when it is said that the people voted "to pay the debt," we reply that they voted to pay the debt in the manner and form and to the extent provided in the act of April, one thousand eight hundred and fifty-seven, submitted to them, and nothing more. If, then, there is an outstanding civil indebtedness of two hundred thousand dollars, or of any sum, it is quite as necessary that it should be submitted to the people to be ratified as was the submission under the act of one thousand eight hundred and fifty-seven.

But suppose the Legislature regards it as constitutional and right, and should make appropriations to pay this debt out of any moneys in the treasury; it may then be found difficult, if not impossible, to accomplish such payment, owing to the decisions of the Supreme Court and the con-

sequences of such decisions.

The subject of the State indebtedness has been twice before the Supreme Court—once in the case of the People v. Johnson, (Vol. 6, Cal. 499,) and again in the case of Nougues v. Douglas et al. (7 Cal. 65.) In both cases the questions involved were substantially the same. The court was wranimous in the decisions and opinions given, and they cover the whole

ground of the subject under consideration.

In the case against Johnson et al. a bill in equity was filed against Johnson et al. to enjoin them from contracting for the construction of a wagon road to the Siera Nevada mountains, which had been authorized by an act of the Legislature at a price not exceeding one hundred thouand dollars. The question was as to the right of the Legislature to contract a debt over three hundred thousand dollars, except in the manner provided in the eighth Article of the Constitution, and as to the construction of that article. The court say that the constitutional provision "is too clear and explicit to admit of but one construction. It is without ambiguity and expressly forbids the Legislature from creating a debt of more than three hundred thousand dollars in any way, unless the same is left to a vote of the people. So plain is the language that it is scarcely werth while to invoke the rules of construction." The court decided that Article eighth of the Constitution was prohibitory, not directorythat the act of April eighth, one thousand eight hundred and fifty-five, authorizing a debt of one hundred thousand dollars to be contracted, was unconstitutional and void; that in order to secure the payment of the State debt, such debt must be submitted to and ratified by the people.

In Nougues v. Douglas et al. (7 Cal. 65,) the defendants were author-

ized by an act of the Legislature to enter into a contract for the construction of a State capitol, at a cost not exceeding three hundred thousand dollars, for which warrants were to be drawn by defendants upon the Controller, in favor of the Contractor, from time to time. After a certain amount of work had been done, the plaintiff applied for his warrants in accordance with the provisions of the act. The defendants refused to draw the warrants on the ground that the act was unconstitutional under

the eighth article.

The court say-Burnett delivering the opinion, and not on the bench when the former case was decided-" that the language of that article is exceedingly clear, and it is difficult to perceive how it can be misunderstood. It is an express restriction upon the powers of the legislative department that the judiciary must possess the right to construe the constitution in those cases not expressly or by necessary implication reserved to the other departments; that the judiciary is provided with ample means to carry out its determinations; that if the Legislature has no constitutional right to create a State debt beyond the limit fixed by the Constitution, that body has no constitutional right to tax the people to pay a void debt; that the power of taxation for purposes contemplated by the Constitution is unlimited in the Legislature, but does not exist for purposes expressly prohibited; that if the power to create the debt is denied, the power to levy taxes to pay it must equally be denied; that the power to pay is a necessary incident to the power to contract, and they both must stand or fall together; that the necessary and ordinary expenses of the State are especially included within the restriction; that the eighth article operates as a limitation upon the power of taxation and appropriation; that the Legislature having no power to create a debt, cannot appropriate money for its payment; that the act of drawing a warrant or paying money out of the treasury is, in most cases, merely ministerial, and in such cases the officer is amenable to the courts, and bound by their orders."

As a resume of the views of the court, it is said: "All debts contracted in violation of the eighth article of the constitution are utterly void; that the Legislature has no power to levy a tax or appropriate money for the payment thereof; that the courts of this State may interfere to prevent the payment of debts, or the interest thereon, when they have been

unconstitutionally contracted."

These decisions are the law of the State, to-day, and will remain so until they are reversed by the Supreme Court. They are decisions upon which the District Court would act whenever a case was presented to enjoin the issuing of warrants for any appropriations of such indebtedness, to enjoin the Treasurer from paying them if issued. They are decisions which the Controller and Treasurer might well be expected, if not bound by their constitutional oaths, to carry out on their own responsibility, as settled expositions of the law of the land.

The power and rights of the courts to control the actions of ministerial officers of the Government by mandamus or injunction, in such a case as the one under consideration, it is useless to discuss here. Upon a full review of the authorities, the Supreme Court held the right was clear; and so long as our Constitution remains as it is, and these decisions stand,

it is useless to gainsay this right and power.

In what cases the acts of a Legislature may be and beyond above judicial control, and in what cases subordinate to such control, it may be difficult to determine. When, however, the Constitution prohibits the Legislature from doing certain acts, it would seem to be the right of the courts

to interfere and prevent the consummation of such acts by restraining

the ministerial officers from executing of the same.

If the Legislature makes an appropriation to pay a debt specially forbidden by the Constitution to be contracted, the courts have no power to prevent the appropriation nor to reach the Legislature by any process of law, but could act upon the Treasurer and Controller and restrain their ministerial acts.

On the other hand, in all those cases where the Constitution imposes no limitations upon the power of the Legislature, the discretion of the legislator is the limit of his power, bound by his conscience and constitutional oath, but responsible in the exercise of that discretion to no legal tribu-

nal.

If the Legislature should make an appropriation for the ordinary expenses and purposes of government, or for a charitable or a patriotic purpose—as, for instance, for an orphan asylum, or for a monument to the Father of his country, or for any purpose not prohibited by the constitution—it can do so, untrammeled, unrestrained, by any power whatsoever. By the construction given to our Constitution and by just views as to

By the construction given to our Constitution and by just views as to the nature of government, "the constitution is not considered as a grant of power to the Legislature, but as a restriction upon the powers of the Legislature, and, therefore it follows that it is competent for the Legislature to exercise all powers not forbidden by the Constitution of the State, or delegated to the General Government, or prohibited by the Constitution of the United States."

The Legislature is the great depository of unrestrained and unreserved power, knowing no limits in legislation save the expressed and written will of the people. But where the people have commanded it to stop, there they have placed a judicial authority to enforce the command; legislative discretion sinks and judicial discretion rises over it; the judicial pilot takes the command, and, for a time, makes that power ordinarily supreme subordinate to its own.

The results of the bill under consideration, if it should become a law, are unknown and uncertain. This is certain; that it would draw from the treasury two hundred and fifty thousand dollars; but whether to pay off the debt that has been sanctioned by the people, or the outstanding claims that have not been sanctioned, it is impossible to say. Either of

three results might happen:

.First—The whole sum might go to pay off the funded debt.

Second—The whole sum might go to pay off outstanding claims not ratified, if amounting to the sum appropriated.

Third-The amount might be divided between the ratified debt and

that not ratified.

The substance of the bill is an appropriation of two hundred and fifty thousand dollars out of money in the treasury to pay all civil claims against the State that may be offered for liquidation, the Treasurer to advertise for the surrender of such claims, and the lowest proposals as will redeem the greatest amount of indebtedness to be accepted until the

two hundred and fifty thousand dollars is exhausted.

The lowest proposals might come exclusively from those holding the unconstitutional claims if they should be equal to the amount appropriated, or they might all come from persons holding the bonded debt, under the act of one thousand eight hundred and fifty-seven, or the lowest proposals might be in part from one class, and in part from another. So far as relates to the amount that might be taken by those holding the unconstitutional debts, all the objections hereinbefore enumerated exist.

As to so much of the two hundred and fifty thousand dollars as might be taken by the holders of the ratified debt, the objections, though not constitutional, are almost as weighty. The debt funded under the act of one thousand eight hundred and fifty-seven is payable on the first day of July, one thousand eight hundred and seventy-seven, and is amply provided for. By a law that is irrepealable, thirty cents on each one hundred dollars of the assessed value of real and personal property is levied annually to pay the interest and principal.

All moneys that may be received by the State of California from the United States on account of the Civil Fund, are pledged to the payment of this debt. The amount of the Civil Fund claimed by the State is two million seven hundred thousand dollars, but it is uncertain whether Congress will ever authorize a payment of the same to the State. By the Act of the twenty-third of April, one thousand eight hundred and fiftyeight, all the remaining portion of the school lands is to be sold and the proceeds to be invested by the State in the purchase of her bonds.

When the law was passed in one thousand eight hundred and fifty-seven, to fund the debt of the State, the assessed value of property was set down at one hundred million of dollars, and it was estimated that the valuation of the property within the State would increase annually at the rate of about five per cent. and that at this rate of increase a tax of thirty cents per one hundred dollars, would alone pay off the debt

and interest, before the time of the redemption expired.

So far, then, as the object or result of this bill is to pay off the ratified debt of this State, the bill is neither necessary nor expedient. Under the laws providing for that debt, the interest has been paid as it becomes due, and the principal has been reduced forty-five thousand dollars.

The whole amount of the debt will be extinguished or pass entirely under the control of the State, without further legislation, before the period has expired for its redemption. There is no necessity for any irregular and spasmodic efforts to pay this legalized debt faster than we contracted to pay it, and there is no reason why the people should not have the time that was made a part of the submission when they ratified it.

That debt was purposely distributed over a period of twenty years, that, with an increased population and wealth, it might be paid without

oppressive taxation.

If there is too much money in the treasury, and too much pouring in, there is a safe and satisfactory remedy for this evil—reduce the rates of taxation. The tax payers will be grateful for this, and regard it as a constitutional mode of avoiding a surplus. Unfortunately, however, there is no surplus that is not required to meet the pledged faith of the State, and to provide pressing public necessities. Unfortunately, the present rate of taxation is no more than sufficient to meet the ordinary

expenses of government.

The surplus in the General Fund is the only real surplus in the treasury, as the amounts in the special funds are all appropriated, and have a specific direction. The surplus in the General Fund has increased but very little since the fifteenth of December, one thousand eight hundred and fifty-eight, and has been somewhat fluctuating, as follows: one thousand eight hundred and fifty-eight, fifteenth of December, three hundred and thirty-four thousand eight hundred and forty-five dollars; one thousand eight hundred and fifty-nine, thirtieth of June, one hundred and eighty-two thousand nine hundred and fifty-eight dollars; one thousand eight hundred and fifty-nine, fifteenth of December, two hundred and

seventy-eight thousand dollars; one thousand eight hundred and sixty, seventeenth of March, three hundred and thirty-nine thousand five hundred dollars.

At the present rates of taxation we have no more revenue than is necessary to meet the current expenses. It is true that the Governor, in his last annual message, recommended a reduction of taxation, from sixty cents to forty-five cents per one hundred dollars, but without a corresponding reduction in the ordinary expenditures of government, the State would soon be in debt.

But suppose we have, after paying the ordinary annual expenses, an average surplus in the treasury, of three hundred and fifty thousand dollars, we have debts of an extraordinary nature, and which it is necessary to provide for, that will demand more than the surplus in the

treasury.

There is the amount due on the war bonds of one thousand eight hundred and fifty-one and one thousand eight hundred and fifty-two, to the payment of which the State pledged her faith, and which is now over due, being two hundred and eighteen thousand dollars-the State Prison debt, ranging from one hundred and fifty thousand dollars to two hundred and fifty thousand dollars, the arrears for the monthly pay for keeping the prisoners exceeding one hundred and twenty thousand dollars, the appropriation for the State Capitol, of one hundred thousand dollars, the Pitt River Indian war debt, sixty thousand dollars, the appropriation for the Constitutional Convention, (if the bill becomes a law, as it probably will), fifty thousand dollars. All of these may be regarded as necessary appropriations. There are other bills matured or maturing rapidly, requiring other large appropriations. The present rate of taxation is only adequate to the ordinary expenses of government. How, then, can such extraordinary appropriations be met? By increased taxation? The people have long been groaning under the burdens they bear, and demanding reduction of taxation, for which they have our annual promises in the messages of Governors, paid, annually, by a renewed promise. By a State debt? Away with it. Its name is odious-it savors of repudiation. We must then fall back from such extraordinary appropriations as we make, upon the surplus in the treasury, being about three hundred and fifty thousand dollars, and when that has gone, there will probably be no more accruing surplus in the treasury. How then will this surplus stand in account with the extraordinary appropriations contemplatedsome necessary, and more unnecessary:

. Purpose,	Amount.
To Appropriation for Capitol	
State Prison Debt	150,000 00 50,000 00
over due	218,000 00
Dr Cr. by surplus, say	\$578,000 00 350,000 00

There are also many other bills before the Legislature asking extraor-

dinary appropriations. The Reform School at Marysville, a meritorious bill, the Mendocino war bill, the telegraph bill, and the bill under con-

sideration, with their munificent appropriations.

Now, it will be seen that we have constitutional debts already contracted and overdue more than sufficient to absorb the surplus in the treasury, and necessary appropriations yet to be made of several hundred thousand dollars more—all exclusive of the ordinary expenses of the government, which are about one million of dollars annually.

We must also recollect that the wagon road bill will divert from the ordinary revenue of the government about one hundred and twenty thousand dollars a year for two years, if it should become a law, which God

forbid, if some other branch of the law-making power does not.

From the foregoing considerations, the undersigned would recommend the indefinite postponement of this bill, and would recommend the passage of a bill for paying the outstanding claims against the State, and to contract a funded debt for that purpose, to be submitted to the people in accordance with the provisions of the Constitution.

S. H. CHASE,

Of Select Committee.

Report accepted.

FURTHER SPECIAL ORDER OF THE DAY.

Assembly Bill, No. 120, An Act in relation to Mining Copartnerships-On motion of Mr. Merritt, made the special order for Wednesday, March twenty-eighth, at twelve, M.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department, Sacramento, March 24th, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I return Senate Bill, No. 215, An Act to Fix the Compensation of the County Judge of the County

of Tulare, with the following objections:

Article sixth, section fifteenth, of the Constitution, reads as follows: "The County Judges shall also severally, at stated times, receive for their services a compensation, to be paid out of the county treasury of their respective counties, which shall not be increased or diminished during the term for which they shall have been elected."

This bill is clearly unconstitutional. The County Judge of the county of Tulare was elected at the last general election, and his salary is fixed by law at five hundred dollars per annum. Section fourth of this proposed act provides that it shall go into immediate operation, which would

be constitutionally impossible.

JOHN G. DOWNEY,
Governor.

The question being: "Shall the bill pass notwithstanding the objections of the Governor?" the roll was called with the following result: Ayes, 1—noes, 24:

AYES-Mr. Merritt-1.
NOES-Messrs. Bradley, Ballou, Clark, De la Guerra, Dent, Denver,

Dickinson, Eagon, Kirkpatrick, Lansing, Leet, Logan, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Sharp, Vance, Watkins, and Wheeler—24.

So the Senate refused to pass the bill.

Mr. Merritt moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Denver, Kirkpatrick, and Redman, and taken with the following result: Ayes, 14—noes, 11:

AYES-Messrs. Bradley Dent, Dickinson, Haynes, Lansing, Leet, Merritt, O'Farrell, Parker, Peachy, Pico, Sharp, Vance, and Wheeler-14.

Noes-Messrs. Ballou, Clark, De la Guerra, Denver, Eagon, Kirkpatrick, Logan, Parks, Phelps, Quinn, and Redman-11.

So the Senate adjourned.

I. N. QUINN.

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Monday, March 26, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of Saturday read and approved.

Mr. Denver asked and obtained leave of absence for Mr. Franklin, for one day.

Mr. Eagon asked and obtained leave of absence for Mr. Bradley, for one lay.

Mr. Anderson asked and obtained leave of absence for Mr. Leet, for one

Mr. Phelps asked and obtained leave of absence for Messrs. Parker, Peachy, and Sharp, for one day, each.

Mr. Phelps presented a petition from citizens of San Francisco remon-

strating against the passage of the bulkhead bill.

On motion of Mr. Phelps, the reading was dispensed with and it was made the special order for to-morrow, in connection with the bulkhead bill.

On motion of Mr. Watson, the rules were suspended and Senate Bill, No. 210, An Act to Define and Establish a portion of the Eastern Boundary of the State of California, was taken from unfinished business and considered in Committee of the Whole.

IN SENATE.

Pending the consideration of which the hour arrived for the special order of the day.

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 43, An Act to provide Revenue for the Support of the

Government of this State-was considered in Committee of the Whole and amended

IN SENATE.

On motion of Mr. Quinn, the further consideration of the bill was postponed for the day.

REPORTS.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. PRESIDENT: -The Committee on Engrossed Bills have examined Senate Bill, No. 246, An Act making an Appropriation for Deficiency in the Appropriation made for Salary of Controller of State for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty, and find the same correctly engrossed.

DENT. Chairman.

Report accepted.

Mr. Dent, Chairman of Committee on Engrossed Bills, made the following report:

Mr. President:-The Committee on Engrossed Bills have examined Senate Bill, No. 190, An Act to Appropriate Fifteen Thousand Dollars for the Construction of a Wagon Road through the County of Santa Barbara, and find the same correctly engrossed.

G. W. DENT,

Of Committee.

Mr. Denver, Chairman of Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT :- The Committee on Enrollment have examined and found correctly enrolled Senate Bill. No. 109, An Act to declare Navigable the Arroyo de San Antonio, or Keyes' Creek, Marin County;

Also, Senate Bill, No. 165, An Act authorizing and empowering Hiram Eckert, of Butte County, Guardian of Frank Spencer Eckert, to Convey, by good and sufficient Deed or Deeds, certain Lands in said County;

Also, Senate Bill, No. 172, An Act for the Payment of certain Claims, and have taken the same to the Governor.

A. ST. C. DENVER,

Of Committee.

Report accepted. On motion of Mr. Watkins, Senate Bill, No. 245, An Act to provide for Funding the unpaid Interest on the War Debt, was made the special order for Friday, March thirtieth, at twelve, M., and the usual number of copies of the bill and the report of the War Commissioners, accompanying the same, were ordered printed.

Mr. De la Guerra, Chairman of Joint Committee on Translation, made

the following report:

Mr. PRESIDENT :- The Joint Committee on Translation, appointed by both Houses to open proposals and to select some competent person to translate the laws of the State passed at the present session of the Legislature, and all other translations which may be required by the State, in the Spanish language, beg leave to recommend to the Senate and Assembly the name of Mr. Eugene Lies as a proper and efficient person to perform all translations which may be required until a new Translator shall be selected.

PABLO DE LA GUERRA,

Ch'n of Joint Committee.

Placed on file.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, March 24, 1860.

To the Honorable the Senate of California:

I hereby nominate and appoint Napoleon L. Broughton, Inspector of Pork, Beef, and Salt Provisions, in this State, to reside at the city of San Francisco, and respectfully ask that your Honorable Body will confirm the same.

JOHN G. DOWNEY,

Governor.

On motion of Mr. Quinn, the rules were suspended and the Senate went into Executive Session for the purpose of considering the above

message.

The question being "Shall the nomination of Napoleon L. Broughton, as Inspector of Beef, Pork, and Salt Provisions, in this State, to reside at the city of San Francisco, be confirmed or rejected?" the roll was called with the following result: Ayes, 20—noes, none:

AYES—Messrs. Clark, Chase, Crittenden, De la Guerra, Dent, Denver, Eagon, Haynes, Kirkpatrick, Lansing, Logan, McDonald, Parks, Pico, Quinn, Redman, Vance, Watkins, Watson, and Wheeler—20.

Noes-None.

So the nomination was unanimously confirmed.

Mr. Phelps declined to vote.

Mr. Phelps, Chairman of Committee on Roads and Highways, made the following report:

Mr. President:—Your Committee on Roads and Highways, to whom was referred Senate Bill, No. 224, An Act to authorize Peter II. Albertson to Construct a Turnpike Road in the County of Napa, have had the same under consideration, and recommend that it be indefinitely postponed. The committee are of opinion that as the general law authorizes the construction of roads of the kind, the passage of this bill is entirely unnecessary.

PHELPS, Chairman.

Placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, March 26, 1860.

Mr. PRESIDENT:-The Assembly on the twenty-fourth instant, passed

Assembly Bill, No. 224, An Act to provide for the Construction of the State Capitol in the City of Sacramento.

R. K. WESTON, Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 224, An Act to provide for the Construction of the State Capitol in the City of Sacramento-was read first and second times.

On motion of Mr. Clark, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Mr. Redman moved to make the bill the special order for Wednesday, March twenty-eighth, at fifteen minutes past eleven, A. M.

Lost.

Bill further considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Redman gave notice that on to-morrow he would move for a reconsideration of the vote just taken.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

March 26, 1860.

Mr. PRESIDENT: - The Assembly on the twenty-second instant, passed Assembly Bill, No. 322, An Act to authorize Daniel Sink and Associates to Construct a Turnpike Road through Russian River Cañon;

Also, Assembly Bill, No. 240, An Act to define the Limits and Bounda-

ries of the County of Marin;

Also, substitute for Assembly Bill, No. 182, An Act amendatory of "An Act to define the Boundaries and provide for the Organization of Mendocino County," passed March eleventh, one thousand eight hundred and

Also, Assembly Bill, No. 349, An Act to amend an Act entitled "An Act to prevent Stallions from Running at Large in the County of Sacra-

Also, Assembly Bill, No. 350, An Act to provide for the Compensation of the Keeper of the County Jail, in the County of Trinity, and the Payment of such Services from the first day of November, one thousand eight hundred and fifty-eight;
Also, on the twenty-fourth instant, passed substitute for Senate Bill,

No. 130, An Act concerning Assessments in San J aquin County;

Also, Senate Bill, No. 235, An Act to Incorporate the Town of Auburn; Also, Senate Bill, No. 159, An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thou-

sand eight hundred and sixty;
Also, Senate substitute, No. 227, for Assembly Bill, No. 194, An Act
to authorize the Board of Supervisors of Sierra County to audit the Claim
of Moses Haynes, for Services rendered in arresting a Fugitive from Jus-

tice, with an amendment;

Also, adopted Assembly Concurrent Resolution, No. 62, Relative to Leave of Absence to Treasurer of Alameda County.

R. K. WESTON,

Ass't Cl'k of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 322, An Act to authorize Daniel Sink and Associates to Construct a Turnpike Road through Russian River Cañon—was read first and second times, and referred to the Committee on Roads and Highways.

Assembly Bill, No. 240, An Act to define the Limits and Boundaries of the County of Marin—was read first and second times, and referred to

the Committee on Counties and County Boundaries.

Assembly Bill, No. 182, An Act amendatory of "An Act to define the Boundaries and provide for the Organization of Mendocino County," passed March eleventh, one thousand eight hundred and fifty-nine—was read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly Bill, No. 349, An Act to amend an Act entitled "An Act to prevent Stallions from Running at Large in the County of Sacramento"—was read first and second times, and referred to the Committee on

Agriculture.

Assembly Bill, No. 350, An Act to provide for the Compensation of the Keeper of the County Jail, in the County of Trinity, and the Payment of such Services from the first day of November, one thousand eight hundred and fifty-eight—was read first and second times, and referred to the delegation from that county.

Senate Substitute, No. 227, for Assembly Bill, No. 194, An Act to authorize the Board of Supervisors of Sierra County to audit the Claim of Moses Haynes, for Services rendered in arresting a Fugitive from Jus-

tice, with an amendment.

On motion of Mr. Kirkpatrick, laid on the table.

Assembly Concurrent Resolution, No. 62, Relative to Leave of Absence to Treasurer of Alameda County—was concurred in.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, March 26, 1860.

Mr. President:—The Assembly on the twenty-second instant, passed substitute for Assembly Bill, No. 173, An Act concerning the Offices of the Sheriff, County Clerk, County Recorder, County Treasurer, and County Assessor, and fixing their Compensation for the County of El Dorado;

Also, Assembly Bill, No. 68, An Act concerning the Organization of the

Militia.

R. K. WESTON.

Ass't Cl'k of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 173, An Act concerning the offices of Sheriff, County Clerk, County Recorder, County Treasurer, and County Assessor, and

fixing their Compensation for the County of El Dorado—was read first and second times, and referred to the delegation from that county.

Assembly Bill, No. 68, An Act concerning the Organization of the Militia—was read first and second times, and referred to the Committee on Military Affairs.

Mr. Phelps moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded, by Messrs. Redman, Kirkpatrick, and Watson, and taken with the following result: Ayes, 6—noes, 15:

AYES—Messrs. Clark, Dent, McDonald, Parks, Phelps, and Vance—6. Noes—Messrs. Anderson, Chase, Crittenden, De la Guerra, Denver, Eagon, Haynes, Kirkpatrick, Lansing, Logan, Pico, Quinn, Redman, Watson, and Wheeler—15.

So the motion was lost.

On motion of Mr. Watson, the rules were suspended, and Senate Bill, No. 210, An Act to Define and Establish a portion of the Eastern Boundary of the State of California—was taken from unfinished business, and considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Watson, the rules were suspended, the bill considered engrossed, read a third time and passed.

Mr. Denver, Chairman of Committee on Enrolled Bills, made the fol-

lowing report:

Mr. President:—The Committee on Enrollment have examined and found correctly enrolled Senate Bill, No. 130, An Act concerning Assessments in San Joaquin County, and have this day taken the same to the Governor.

A. ST. C. DENVER,

Chairman.

Report accepted.

Mr. Quinn asked and obtained leave of absence for Mr. Beard, Secretary of the Senate, for three days.

Mr. Phelps moved that the Senate do now adjourn.

Lost.

On motion of Mr. Logan, the rules were suspended, and Senate Bill, No. 246, An Act making an appropriation for Deficiency in appropriations made for Salary of Controller of State, for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty—was taken from file, read a third time and passed.

On motion Mr. Redman, the rules were suspended, and Senate Bill, No. 203, An Act in Relation to Lobbying and Log-Rolling and to declare the same to be a Misdemeanor—was taken from file, and considered in Com-

mittee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Redman, the rules were further suspended, the bill considered engrossed, and read a third time.

On its passage the ayes and noes were demanded, by Messrs. Redman,

Vance, and Phelps, and taken with the following result: Ayes, 17-noes, 1:

AYES—Messrs. Anderson, Clark, Chase, Crittenden. De la Guerra, Dent, Haynes, Lansing, Logan, McDonald, Parks, Phelps, Pico, Quinn, Redman, Vance, and Wheeler—17.

Noes-Mr. Eagon-1.

So the bill passed.

Mr. Watson declined to vote.

On motion of Mr. McDonald, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Tuesday, March 27th, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday was read and approved.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 203, An Act in relation to Lobbying and Log-Rolling, and declare the same to be a Misdemeanor, and find the same correctly engrossed.

DENT,

Chairman.

Report accepted.

On motion of Mr. Anderson, the special order of the day was taken up.

SPECIAL ORDER OF THE DAY.

Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead in the City and County of San Francisco—was considered in Committee of the Whole and amended.

IN SENATE.

Pending which Mr. Redman moved to reconsider the vote whereby Assembly Bill, No. 224, An Act to provide for the Construction of the State Capitol in the City of Sacramento, was passed on yesterday.

Mr. Ballou moved to indefinitely postpone the motion to reconsider.

Mr. Sharp moved to make the motion to reconsider the special order for Thursday, March, twenty-ninth, at twelve, M.

Upon which the ayes and noes were demanded by Messrs. Clark, Eagon, and Vance, and taken with the following result: Ayes, 5-noes, 25:

AYES-Messrs. Franklin, Lansing, O'Farrell, Parker, and Redman-5.

Noes-Messrs. Anderson, Bradley, Ballou, Clark, Chase, Crittenden, De la Guerra, Dent, Dickinson, Eagon, Edgerton, Haynes, Kirkpatrick, Leet, Logan, McDonald, Merritt, Parks, Pico, Quinn, Sharp, Titus, Vance, Watkins, and Wheeler-25.

So the motion was lost.

Mr. Peachy declined to vote.
Mr. Phelps declined to vote.

Mr. Ryan declined to vote.

Mr. Clark moved the previous question.

Sustained.

The question being: "Shall the main question be now put?" was put and carried.

The main question being on the indefinite postponement of the motion

to reconsider, was put and carried.

Mr. Parker gave notice that on to-morrow he would move for a reconsideration of the vote just taken.

On motion of Mr. Sharp, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Wednesday, March 28, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journal of yesterday read and approved.

PETITIONS.

Mr. Redman presented a petition from citizens of Alameda County, praying for the repeal of the law organizing a State Agricultural Society. Referred to the Committee on Agriculture.

Mr. Phelps presented a communication from citizens of San Francisco,

denying having signed the bulkhead petition.

Made the special order, in conjunction with the bulkhead bill, for twenty minutes after eleven, A. M. to-day.

Mr. Parker presented a petition from Joseph Yerkes, praying for

relief.

Referred to the Judiciary Committee.

REPORTS.

Mr. Parker, Chairman of Committee on State Library, made the following report:

Mr. President: — The Committee on State Library, to whom was referred the message of His Excellency, the Governor, in relation to the

purchase of the files of the oldest newspapers in this State for the State Library, have had the same under consideration, and recommend the passage of the bill herewith submitted for that purpose.

S. H. PARKER, S. T. LEET,

Committee on State Library.

The bill just reported, entitled An Act authorizing the Board of Directors of the State Library to purchase certain Newspaper Files, and to provide for the Payment of the same—was read first and second times and, with the report, was placed on file.

Mr. Parker, Chairman of the State Library Committee, made the fol-

lowing report:

Mr. President:—The Committee on State Library, to whom was referred An Act to provide for Preparing a Catalogue of the State Library, have had the same under consideration, and herewith submit a substitute therefor, and recommend the passage of said substitute.

S. H. PARKER, W. H. PARKS, S. T. LEET,

Committee on State Library.

The bill just reported, entitled An Act to provide for Preparing a Catalogue for the State Library—was read first and second times and, with the report, was placed on file.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the

following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 210, An Act to Define and Establish a portion of the Eastern Boundary of the State of California, and find the same correctly engrossed.

DENT,

Chairman of Committee.

Report accepted.

Mr. Denver, Chairman of the Committee on Eurolled Bills, made the following report:

Mr. President:—The Committee on Enrollment have examined and found correctly enrolled Senate Bill, No. 159, An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and sixty, and have this day taken the same to the Governor.

A. ST. C. DENVER,

Chairman.

Report accepted.

Mr. Anderson, Chairman of Committee on Corporations, made the following report:

Mr. President:—The Committee on Corporations have had under consideration Assembly Bill, No. 226, entitled An Act to authorize the American River Water and Mining Company to extend their Works to, or near, the City of Sacramento, in the County of Sacramento, for the purpose of Supplying the Inhabitants of said County with Water for Irriga-

ting, Mechanical, Manufacturing, and other purposes for which the same may be required, and herewith return the same, with a substitute for the same, and recommend the passage of the substitute.

ANDERSON,

Chairman.

Placed on file.

On motion of Mr. Anderson, the rules were suspended, the bill just reported taken up and considered in Committee of the Whole.

IN SENATE.

Substitute adopted, read a third time, and passed.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Assembly Bill, No. 48, An Act to provide for the Payment of Volume Twelve of the Reports of the Supreme Court of the State of California, having had the same under consideration, hereby report it back and recommend its passage.

MERRITT,

Chairman.

Placed on file.

On motion of Mr. Merritt, the rules were suspended, the bill just reported taken up and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Vance, by leave, introduced a bill for an act entitled An Act amendatory of, and supplementary to, an Act entitled "An Act to authorize the County of Butte to Purchase and Hold two Hundred Thousand Dollars of the First Mortgage Bonds of the California Northern Railroad Company, and to issue the Bonds of said County for the Payment of the same, and for other purposes connected therewith.

Read first and second times.

On motion of Mr. Vance, the rules were suspended the bill considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

Mr. Merritt offered the following resolution:

Resolved, That the Controller be, and is bereby, directed to draw his warrants on the Treasurer, payable out of the Contingent Fund of the Senate in favor of the following named persons, for the sum of forty-five dollars each, viz: E. W. Burr, H. S. Gates, Charles S. Biden, A. Chabot, John Bensley, R. G. Sneath, F. Vassault, E. F. Northam, H. M. Whitmore, Milo Calkin, J. P. Buckley, William Cummings, M. S. Whitney, G. H. Ensign, and F. P. Tracy, for fees and mileage of witnesses testifying before the Judiciary Committee of the Senate in the matter of charges of corruption, relative to the passage of Ordinance No. 172, by the Board of Supervisors of San Francisco.

Also, in favor of Joseph R. Beard, Secretary of the Senate, for the sum

of forty-eight dollars, for subpense and copying in same case;

Also, in favor of William H. Bell, Sergeant-at-Arms of the Senate, for the sum of one hundred and twenty-one dollars, for subpensing said witnesses, mileage, telegraphing, etc.

34sen

SPECIAL ORDER.

Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead in the City and County of San Francisco—was further considered in Committee of the Whole and amended.

IN SENATE.

Mr. Parker moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Dickinson, Redman, and Vance, and taken with the following result: Ayes, 11—noes, 19:

Ayes-Messrs. Bradley, Clark, Franklin, Haynes, Merritt, O'Farrell,

Parker, Parks, Redman, Ryan, and Sharp-11.

NOES-Messrs, Anderson, Ballou, Chase, Dent, Denver, Dickinson, Eagon, Edgerton, Kirkpatrick, Lansing, Leet, Logan, McDonald, Peachy, Phelps, Quinn, Titus, Vance, and Wheeler-19.

So the motion was lost.

The bill was further considered in Committee of the Whole and amended.

IN SENATE.

Mr. Peachy moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Merritt, Dickinson, and Leet, and taken with the following result: Ayes, 11—noes, 17:

Aves-Messrs. Dent, Kirkpatrick, McDonald, Merritt, O'Farrell, Parker,

Peachy, Phelps, Redman, Ryan, and Sharp-11.

Noes-Messrs, Anderson, Bradley, Ballou, Clark, Chase, Denver, Dickinson, Eagon, Edgerton, Haynes, Lansing, Leet, Logan, Quinn, Titus, Vance, and Wheeler-17.

So the motion was lost.

The bill was further considered in Committee of the Whole and amended.

IN SENATE.

Mr. Parker moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded, by Messrs. Parker, Vance, and Merritt, and taken with the following result: Ayes, 14-noes, 16:

AYES—Messrs, Clark, Dent, Haynes, Kirkpatrick, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Redman, Ryan, and Sharp—14. Noes—Messrs, Anderson, Bradley, Ballou, Chase, Denver, Dickinson, Eagon, Edgerton, Frankfin, Lansing, Leet, Logan, Quinn, Titus, Vance, and Wheeler—16.

So the motion was lost.

The bill was then further considered in Committee of the Whole and amended.

IN SENATE.

Mr. Sharp moved that the Senate do now adjourn.
Upon which the ayes and noes were demanded by Messrs. Merritt,

Dickinson, and Ryan, and taken, with the following result: Ayes, 13noes, 17:

AYES-Messrs. Dent, Haynes, Kirkpatrick, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Redman, Ryan, and Sharp-13.

Noes-Messrs. Anderson, Bradley, Ballou, Clark, Chase, Denver, Dickinson, Eagon, Edgerton, Franklin, Lansing, Leet, Logan, Quinn, Titus, Vance, and Wheeler-17.

So the motion was lost.

The bill was then further considered in Committee of the Whole and amended.

IN SENATE.

Mr. O'Farrell moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Merritt, Dickinson, and Ryan, and taken with the following result: Ayes, 13noes, 17:

AYES-Messrs. Dent, Haynes, Kirkpatrick, McDonald, Merritt, O'Far-

rell, Parker, Parks, Peachy, Phelps, Redman, Ryan, and Sharp—13.
Noes—Messrs. Anderson, Bradley, Ballou, Clark, Chase, Denver, Dickinson, Eagon, Edgerton, Franklin, Lansing, Leet, Logan, Quinn, Titus, Vance, and Wheeler-17.

So the motion was lost.

The bill was then further considered in Committee of the Whole and amended.

IN SENATE.

Mr. Peachy moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Merritt, Parker, and Phelps, and taken with the following result: Ayes, 12-noes, 17:

AYES-Messrs. Dent, Haynes, Kirkpatrick, McDonald, Merritt, O'Far-

rell, Parker, Parks, Peachy, Phelps, Ryan, and Sharp-12.

Noes-Messrs. Anderson, Bradley, Ballou, Chase, Denver, Dickinson, Ragon, Edgerton, Franklin, Lansing, Leet, Logan, Quinn, Redman, Titus, Vance, and Wheeler-17.

So the motion was lost.

The bill was further considered in Committee of the Whole.

IN SENATE.

Mr. Phelps moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Merritt, Phelps, and Peachy, and taken with the following result: Ayes, 13noes, 16:

AYES-Messrs. Dent, Haynes, Kirkpatrick, McDonald, Merritt, O'Far-

rell, Parker, Parks, Peachy, Phelps, Redman, Ryan, and Sharp—13.
Noes—Messrs. Anderson, Ballou, Clark, Chase, Denver, Dickinson,
Eagon, Edgerton, Franklin, Lansing, Leet, Logan, Quinn, Titus, Vance, and Wheeler-16.

So the motion was lost.

The bill was further considered in Committeee of the Whole.

IN SENATE.

Mr. Kirkpatrick moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Kirkpatrick, O'Farrell, and Ryan, and taken with the following result: Ayes, 15—noes, 14:

AYES—Messrs. Clark, Dent, Haynes, Kirkpatrick, McDonald, Morritt, O'Farroll, Parker, Parks, Peachy, Phelps, Quinn, Redman, Ryan, and Sharp—15.

NOES-Messys. Anderson, Bradley, Ballou, Chase, Dickinson, Eagon, Edgerton, Franklin, Lansing, Leet, Logan, Titus, Vance, and Wheeler-

14.

So the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Thursday, March 29, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journal of yesterday read and approved.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

Assembly Chamber, March 28, 1860.

Mr. President:—The Assembly have this day passed Senate Bill, No. 248, An Act amendatory of, and supplementary to, an Act entitled "An Act to authorize the County of Butte to purchase and hold Two Hundred Thousand Dollars of the first Mortgage Bonds of the Northern Railroad Company, and to issue the Bonds of said County for the payment of the same and for other purposes connected therewith."

R. K. WESTON,

Assistant Clerk of Assembly.

Assembly Chamber, March 28, 1860.

Mr. President:—The Assembly, on yesterday, passed Senate Bill, No. 5, An Act to authorize the Establishment of County Infirmaries for the Relief of the Indigent, and to amend an Act entitled "An Act to provide

for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five, with amendments.

R. K. WESTON,

Ass't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill, No. 5, An Act to authorize the Establishment of County Infirmaries for the Relief of the Indigent, and to amend an Act entitled "An Act to provide for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five.

The first, second, and sixth, amendments, concurred in.
Refused to concur in third, fourth, and fifth, amendments.

Refused to concur in all of the seventh amendment, with the exception of Yuba County.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, March 28, 1860.

Mr. President:—The Assembly have this day passed Assembly Bill, No. 319, An Act to authorize the Sale of certain Real Estate by Guardians.

J. M. ANDERSON, Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 319, An Act to authorize the Sale of certain Real Estate by Guardians—was read first and second times.

On motion of Mr. Logan, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

On motion of Mr. Kirkpatrick, Senate Bill, No. 89, An Act to create the Office of State Geologist and define the duties thereof—was made the special order for to-morrow, at thirty minutes past eleven, A. M.

REPORT.

Mr. Sharp, Chairman of the Committee on Public Expenditures, made the following report:

Mr. PRESIDENT:—Your Committee on Public Expenditures have examined the copying done for the Senate up to date, and find as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal For Printer Appendix For Printer	890	10 15	\$88 50 59 00 133 50 89 00
Totals	2,960		\$370 00

Examined, audited, and allowed, this twenty-ninth day of March, one thousand eight hundred and sixty.

SOL. A. SHARP, Chairman.

Adopted.

SPECIAL ORDER.

Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead in the City and County of San Francisco—was further considered in Committee of the Whole.

IN SENATE.

Mr. Ryan moved a call of the Senate. Carried.

Absent-Messrs. Crittenden, Dickinson, O'Farrell, and Watson.

The Sergeant-at-Arms was dispatched for absentees.

On motion of Mr. Anderson, further proceedings under the call was dispensed with.

The bill was further considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Parker, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Friday, March 30, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journal of yesterday read and approved.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, March 24, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 165, An Act authorizing and empowering Hiram Eckert, of Butte County, Guardian of Frank Spencer Eckert, to Convey, by good and sufficient Deed or Deeds, certain Lands in said County.

Also, Senate Bill, No. 109, An Act to declare Navigable the Arroyo do

de San Antonio, or Keyes' Creek, Marin County.

Also, Senate Bill, No. 172, An Act to Apppropriate Money to Pay Cortain Claims.

Also, Senate Bill, No. 159, An Act to amend an Act entitled "An Act

concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty.

JOHN G. DOWNEY,

Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, March 24, 1860.

Mr President:—The Assembly have this day passed Senate Bill, No. 170, An Act for the Relief of J. C. Hayes, late Sheriff of San Francisco County;

Also, Senate Bill, No. 193, An Act to authorize the Collection of certain

Taxes within this State;

Also, concurred in Senate amendments to Assembly Bill, No. 313. An Act to authorize R. P. Andrews, the Administratrix of the Estate of John Andrews, deceased, to Sell the Real Estate of said deceased at Private Sale.

R. K. WESTON,

Assistant Clerk of Assembly.

Assembly Chamber, March 24, 1860.

Mr. President:—The Assembly on vesterday, passed Assembly Bill, No. 339, An Act to Regulate Fees in Office in the County of Yuba;

Also, Senate Bill, No. 237, An Act to authorize the President of the Board of Supervisors, the Auditor, and the Treasurer, of the City and County of San Francisco, to Provide for the Actual and Prospective Deficiency in the Corporation Debt Fund of said City and County, for the Fiscal Year one thousand eight hundred and fifty-nine and one thousand eight hundred and sixty;

Also, on the twenty-second instant, passed Assembly Bill, No. 85, An Act to provide for the Disposal of the Sixteenth and Thirty-sixth Sections of Land, donated to this State for School Purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three, and to appropriate the proceeds of the Sale thereof to the credit of the General

School Fund ;

Also, on the twenty-first instant, Assembly Bill, No. 213, An Act to provide for Recording Notices of Claims to Private Lands Grants in this

State;

Also, Assembly Bill, No. 159, An Act to amend an Act entitled "An Act concerning Roads and Highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou," passed April nineteen, one thousand eight hundred and fifty-nine;
Also, Assembly Bill, No. 278, An Act for the Relief of Joseph Summers,

Also, Assembly Bill, No. 278, An Act for the Relief of Joseph Summers, and to authorize the Trustees of Benicia to Pay him his Claim against the

late City of Benicia.

R. K. WESTON.

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 339, An Act to Regulate the Fees of Office in the County of Yuba—was read first and second times, and referred to the Yuba Delegation.

Assembly Bill, No. 25, An Act for the Disposal of the Sixteenth and Thirty-Sixth Sections of Land donated to this State for School Purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three, and to Appropriate the Proceeds of the Sale thereof to the Credit of the General School Fund-was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 213, An Act to provide for Recording Notice of Claims to Private Land Grants in this State-was read first and second

times, and referred to Committee on Public Lands.

Assembly Bill, No. 159, An Act to amend an Act entitled "An Act concerning Roads and Highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou," passed April nineteen, one thousand eight hundred and fifty-nine-was read first and second times, and placed on file.

Assembly Bill, No. 278, An Act for the Relief of Joseph Summers, and to authorize the Trustees of Benicia to Pay him his Claim against the late City of Benicia-was read first and second times, and referred to the Senator from that district.

FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, March 27, 1860.

Mr. President: -The Assembly on yesterday passed Assembly Bill, No. 217, An Act supplementary to "An Act for the Formation of Corporations for certain Purposes," approved April fourteenth, one thousand eight hundred and fifty-three;
Also, Senate Bill, No. 122, An Act authorizing certain Parties to Con-

struct a Wharf on Petaluma Creek, in Sonoma County;

Also, Senate Bill, No. 95, An Act for Opening and Repairing Roads in the County of Sutter, with amendments.

R. K. WESTON.

As't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 217, An Act supplementary to "An Act for the Formation of Corporations for certain Purposes," approved April fourteenth, one thousand eight hundred and fifty-three-was read first and second times, and referred to the Committee on Corporations.

Senate Bill, No. 95, An Act for Opening and Repairing Roads in the

County of Sutter-amendments of Asssembly concurred in.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

March 27, 1860.

Mr. President:-The Assembly on the twentieth instant passed Assembly Bill, No. 283, An Act to authorize the Trustees of the City of Sonora to Levy a Special Tax for the benefit of the Fire Department;

Also, on the twenty-fourth instant, passed substitute for Assembly Bill, No. 257, An Act to Regulate the Fees of the County Clerks of Los An-

geles and San Diego Counties: Also, Assembly Bill, No. 195, An Act to grant to certain Parties the right of laying a Railroad Track along certain Streets within the City of Sacramento:

Also, Assembly Bill, No. 356, An Act to extend the time for Collecting Taxes in the County of Nevada.

R. K. WESTON,

Ass't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 283, An Act to authorize the Trustees of the City of Sonora to Levy a Special Tax for the benefit of the Fire Department—was read first and second times, and referred to the delegation from Tuolumne.

Assembly Bill, No. 257, An Act to Regulate the Fees of the County Clerks of Los Angeles and San Diego Counties—was read first and second

times, and referred to the Judiciary Committee.

Assembly Bill, No. 195, An Act to grant to certain Parties the right of laying a Railroad Track along certain Streets within the City of Sacramento—was read first and second times, and referred to the Sacramento Delegation.

Assembly Bill, No. 356, An Act to extend the time for Collecting Taxes in the County of Nevada—was read first and second times, and referred

to the Nevada Delegation.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, March 29, 1860.

Mr. President:—The Assembly have this day passed Assembly Bill, No. 321, An Act to authorize José de Jesus Pico to Sell certain Land in San Luis Obispo County, belonging to his Infant Children.

R. K. WESTON,

Ass't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 321, An Act to authorize José de Jesus Pico to Sell certain Land in San Luis Obispo County, belonging to his Infant Children—was read first and second times, and referred to the delegation from San Luis Obispo County.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, March 29, 1860.

Mr. President:—The Assembly on yesterday passed Senate Bill, No. 182, An Act to amend an Act entitled "An Act to authorize Charles J. Collins, his Associates and Assigns, to build a Wharf at or near Point Colberg, in Solano County, passed April twenty-first, one thousand eight hundred and fifty-seven;

Also, Senate Bill, No. 134, An Act amendatory of, and supplementary

to, An Act entitled "An Act concerning Lawful Fences;"

Also, Senate Bill, No. 201, An Act to fix the Compensation of the Audi-

tor of Napa County;

Also, Assembly Bill, No. 307, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in the County of Mendocino, of this State;

Also, on the twenty-seventh instant, passed Assembly Bill, No. 142, An Act to authorize Robert Haley and John G. Oldner to Construct a Wharf at the foot of Third Street, in the City and County of San Francisco;

Also, Assembly Bill, No. 299, An Act concerning Taxes in Monterey

County;

Also, on the twenty-fourth, passed Assembly Bill, No. 357, An Act to authorize the Guardian of certain Minors to Sell their Real Estate.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 307, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in the County of Mendocino, of this State—was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 142, An Act to authorize Robert Haley and John G. Oldner to Construct a Wharf at the foot of Third Street, in the City and County of San Francisco—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 299, An Act concerning Taxes in Monterey County—was read first and second times, and referred to the delegation from Mon-

terey County.

Assembly Bill, No. 357, An Act to authorize the Guardian of certain Minors to Sell their Real Estate—was read first and second times, and referred to the Judiciary Committee.

Mr. O'Farrell, Chairman of Special Committee, appointed to inquire into the Indian difficulties existing in Mendocino County, made the fol-

lowing report:

On motion of Mr. Dickinson, the reading was dispensed with, and nine

hundred and sixty copies were ordered printed. (See Appendix).

Mr. Edgerton presented a petition from citizens of Yolo County, remonstrating against the passage of an act introduced by him, Relative to the County Seat of Yolo County.

Referred to the Judiciary Committee.

REPORTS.

Mr. Phelps, Chairman of Committee on Roads and Highways, made the following report.

Mr. President:—Your Committee on Roads and Highways, to whom was referred Assembly Bill, No. 322, An Act to authorize Daniel Link and Associates to Construct a Turnpike Road through Russian River Cañon, have had the same under consideration, and report the bill back, and recommend that it be indefinitely postponed.

The Committee consider the passage of the bill unnecessary, as the

general law provides for the construction of roads of the kind.

PHELPS, Chairman.

Placed on file.

Mr. Phelps, Chairman of Committee on Roads and Highways, made the following report:

Mr. President:—Your Committee on Roads and Highways, to whom was referred Assembly Bill, No. 203, An Act to prevent the closing up of Public Highways where the same cross Streams that become Dry or Fordable at any Season of the year througout the State, have had the same under consideration, and report the bill back with amendments, and recommend the passage of the bill as amended.

Add to section four: "Provided, this act shall not be construed to authorize or require the removal of any buildings which may have been erected on the bank of any river or stream prior to the passage of this act; and, provided, also, the provisions of this act shall not apply to any ferry or toll-bridge on the Mokelumne River, within Calaveras and Amador counties, nor to any franchise granted by the Board of Supervisors of Amador County, prior to the passage of this act.

PHELPS, Chairman.

Placed on file.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice of this State."

Read first and second times and referred to the Judiciary Committee.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Assembly Bill, No. 289, An Act Relating to the Sureties upon the Official Bonds of S. A. McMeans, late State Treasurer, have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

MERRITT, Chairman.

Placed on file.

On motion of Mr. Titus, the rules were suspended, and the bill just reported taken up and considered in Committee of the Whole.

IN SENATE.

Mr. Parker moved to make the bill the special order for Monday, April second, at two, P. M.

Lost.

The bill was then read a third time and passed.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee on Enrolled Bills, have examined and find correctly enrolled Senate Bill, No. 248, An Act amendatory of, and supplementary to, an Act entitled "An Act to authorize the County of Butte to purchase and hold Two Hundred Thousand Dollars of the Mortgage Bonds of the California Northern Railroad Company, and to issue the Bonds of said County for the payment of the same, and for other purposes connected therewith."

Also, Senate Bill, No. 235, An Act to Incorporate the Town of Auburn, and have taken them to the Governor.

A. ST. C. DENVER.

Chairman.

Report accepted.

SPECIAL ORDER.

Senate Bill, No. 167, An Act in Relation to a Sea-Wall or Bulkhead in the City and County of San Francisco.

Question being on concurring in amendments made in Committee of

the Whole.

Mr. Titus moved the previous question, which was not sustained.

The question recurring on concurring in amendments made in Committee of the Whole. Mr. Peachy called for a decision of the question.

The first amendment was concurred in.

The question being on concurring in the second amendment, the ayes and noes were demanded by Messrs. Peachy, Bradley, and Ryan.

Peading the discussion of which, Mr. Anderson inoved the previous

question, which was sustained.

The question being "Shall the main question be now put?" the aves and noes were demanded, by Messrs, Chase, Merritt, and Dickinson, and taken with the following result: Ayes, 17-noes, 13:

Ayes-Messrs, Anderson, Bradley, Ballon, Chase, Denver, Dickinson, Eagon, Edgerton, Franklin, Lansing, Leet, Logan, Quinn, Titus, Vance, Watson, and Wheeler-17.

Nogs-Messrs, Dent. Haynes, Kirkpatrick, McDonal I. Merritt, O'Farrell, Parker, Parks, Peachy, Phelps. Redman, Ryan, and Sharp-13.

So the question was carried.

Mr. Pico paired off with Mr. De la Guerra. Mr. Crittenden paired off with Mr. Watkins.

The question being on concurring in the second amendment.

Upon which the ayes and noes had been demanded by Messrs. Peachy, Bradley, and Ryan, and were taken with the following result: Ayes, 14 -noes, 16:

Aves-Messrs, Anderson, Bradley, Ballon, Chase, Dickinson, Eagon, Edgerton, Franklin, Lansing, Leet, Logan, Quinn, Vance, and Wneeler-14.

Noes-Messrs. Dent. Denver, Haynes, Kirkpatrick, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Reuman, Ryan, Sharp, Titus, and Watson-16:

So the second amendment was lost.

The third, fourth, fifth, sixth, seventh, eighth, and ninth amendments

were concurred in.

Upon concurring in the tenth amendment, the ayes and noes were demanded by Messrs. Merritt, Ryan, and Parker, and taken with the foljowing result: Ayes, 16-noes, 12:

Aves-Messrs. Chase, Dent, Edgerton, Haynes, McDonald, Merritt, O'Farrell, Parker, Parks, Phelps, Quinn, Redman, Ryan, Sharp, Watson, and Wheeler-16.

Noes-Mosses. Anderson, Bradley, Ballon, Denver, Eagon, Franklin,

Lansing, Leet, Logan, Peachy, Titus, and Vance-12.

So the tenth amendment was concurred in.

On motion of Mr. Mcrritt, the remainder of the amendments made in

Committee of the Whole were concurred in.

The question being on ordering the bill engrossed, the ayes and noes were demanded by Messrs. Merritt, Sharp, and Phelps, and taken with the following result: Ayes, 18—noes, 12:

AYES-Messrs. Anderson, Bradley, Ballou, Chase, Denver, Dickinson, Eagon, Edgerton, Franklin, Lansing, Leet, Logan, Phelps, Quinn, Titus, Vance, Watson, and Wheeler-18.

Noes-Messrs. Dent, Haynes, Kirkpatrick, McDonald, Merritt, O'Far-

rell, Parker, Parks, Peachy, Redman, Ryan, and Sharp-12.

So the bill was ordered engrossed.

Mr. Phelps gave notice that on to-morrow he would move for a recon-

sideration of the vote just taken.

Mr. Anderson gave notice that he would also move for a reconsideration of the vote just taken on to-morrow; and also moved to make it the special order for to-morrow at twenty minutes past eleven, A. M.

Mr. Parker rose to a point of order: That no bill could be made the

special order, while a notice to reconsider was pending.

The Chair decided the point of order well taken, and ruled Mr. Ander-

son's motion out of order.

Mr. Sharp presented a petition from the Board of Supervisors of the City and County of San Francisco, praying for the passage of a certain bill, which Mr. Sharp, by leave, introduced, entitled An Act granting further powers to the Board of Supervisors, the Auditor, and Treasurer, of the City and County of San Francisco--which was read first and second times.

On motion of Mr. Sharp, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Sharp, the rules were further suspended, the bill considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

Mr. Wheeler offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that Hon. Charles Lindley, County Judge of Yuba County, be, and hereby is, granted leave of absence from this State for the period of four months, at such time as he may select, during his present term of office.

Adopted.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. President:—Your Committee on Contingent Expenses, to whom was referred a Resolution relative to paying certain witnesses therein named, in the case of the Bensley Water Bill before the Judiciary Committee, have examined the same, and recommend its adoption.

Report accepted.

On motion of Mr. Lansing, the resolution just reported, was taken up and adopted.

C. J. LANSING.

INTRODUCTION OF BILLS.

Mr. Merritt, by leave, introduced a bill for an act entitled An Act to fix the Compensation of the County Judge of Tulare County.

Read first and second times.

On motion of Mr. Merritt, the rules were suspended, the bill considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

Mr. Watson, by leave, introduced a bill for an act entitled An Act to

provide for a Line of Telegraph from Santa Cruz to Santa Clara.

Read first and second times, and referred to the Committee on Corporations.

Mr. Chase, by leave, introduced a bill for an act entitled An Act to define the Time for Commencing Civil Actions in Certain Cases.

Read first and second times, and referred to the Judiciary Committee.

Mr. Denver, of the El Dorado Delegation made the following report:

Mr. President:—The El Dorado Delegation, to whom was referred substitute for Senate Bill, No. 39, An Act authorizing the Board of Supervisors of El Dorado County to Levy a Toll for the Crossing of Brockliss' Bridge, on the Sacramento and El Dorado Wagon Road, report the same back, and recommend its passage without amendment.

A. St. C. DENVER, For Delegation.

Report accepted.

On motion of Mr. Titus, the rules were suspended, and the bill just reported, taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read third time and passed.

in the State covered by mineral lands.

Mr. Logan, by leave, introduced a bill for an act entitled An Act to enable County Judges to Alternate.

Read first and second times, and referred to the Judiciary Committee.

Mr. Lansing presented certain newspaper accounts. Referred to the Committee on Contingent Expenses. Mr. Ballou offered the following Concurrent Resolution:

Resolved. By the Senate, the Assembly concurring, that our delegation in Congress be, and they are hereby requested, to use all proper means to secure the early passage of an act by Congress providing for the floating of the sixteenth and thirty-sixth sections of land donated to the State of California for the support of common schools, by act of Congress of March three, one thousand eight hundred and fifty-three, and for the location of the same upon unoccupied agricultural or grazing lands belonging to the General Government within this State, whether surveyed or unsurveyed, and providing, further, for the selection of two additional sections of such school lands for each and every congressional townships

Resolved, That the Governor be requested to forward a copy of the fore-

going resolution to each of our delegations in Congress.

Adopted.

Mr. Ryan made a verbal report, recommending the passage of Assembly Bill, No. 350, An Act to provide for the Compensation of the Keeper of the County Jail in the County of Trinity, and the Payment of such

Services from the first day of November, one thousand eight hundred and fifty-eight.

On motion of Mr. Ryan, the rules were suspended, and the bill con-

sidered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, bill read third time, and passed.

The title was amended by striking out the words "County of Trinity,"

and inserting the words "Counties of Trinity and Napa."

On motion of Mr. Bradley, Senate Bill, No. 226, An Act to Appropriate Money to Pay the Claim of Charles A. Clark, was taken from the file, and considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Watson, the bill was made the special order for tomorrow, at twenty minutes past eleven, A. M.

FURTHER SPECIAL ORDER.

Senate Bill No. 89, An Act to Create the Office of State Geologist, and Define the Duties thereof, with Assembly amendments.

Mr. Phelps moved that the Senate refuse to concur in Assembly amend-

ments.

Pending which, Mr. Parker called for reading of the bill as amended. Pending which, Mr. Lansing moved to dispense with the further read-

ing of the bill.

Upon which the ayes and noes were demanded by Messrs. Peachy, Chase, and Lansing, and taken with the following result: Ayes, 6—noes, 14:

AYES-Messrs. Kirkpatrick, Lansing, Leet, Merritt, O'Farrell, and Redman-6.

Noes-Messrs. Bradley, Ballou, Clark, Chase, Dent, Eagon, Haynes, Logan, McDonald, Parks, Peachy, Quinn, Ryan, and Wheeler-14.

So the motion was lost.

The question recurring on the motion made by Mr. Phelps, the Senate refused to concur in Assembly amendments.

Mr. Clark moved a call of the Senate.

Carried

Roll called.

Absent—Messrs. Ballou, Crittenden, De la Guerra, Dickinson, Edgerton, Franklin, Phelps, Pico, Sharp, Vance, Watkins, and Watson.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Crittenden, appearing at the bar of the Senate, was admitted.

Mr. Parker moved to dispense with further proceedings under the call. Lost.

Mr. Dickinson, appearing at the bar of the Senate, was admitted.

On motion of Mr. Denver, further proceedings under the call were dispensed with.

FURTHER SPECIAL ORDER.

Senate Bill, No. 43, An Act to Provide Revenue for the Support of the Government of this State, was considered in Committee of the Whole.

IN SENATE.

Mr. Bradley moved the Senate do now adjourn.

Lost.

Mr. Logan moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Ballou, Crittenden, De la Guerra, Dent. Edgerton, Franklin, McDonald, Phelps, Pico, Quinn, Sharp, Titus, and Watkins.

The Sergeant-at-Arms was dispatched for absentees.

On motion of Mr. Anderson, further proceedings under the call were dispensed with.

On motion of Mr. Kirkpatrick, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Saturday, March 31, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, March 30, 1860.

To the Honorable the Senate of California:

. I have to inform your IIonorable Body, that I have approved Senate Bill, No. 130, An Act concerning Assessments in San Joaquin County;

Also, Senate Bill, No. 248, An Act amendatory of, and supplementary to, an Act entitled "An Act to authorize the County of Butte, to purchase and hold Two Hundred Thousand Dollars of the First Mortgage Bonds of the California Northern Railroad Company, and to issue the Bonds of said County, for the Payment of the same, and for other purposes connected therewith;"

Also, Senate Bill, No. 235, An Act to Incorporate the Town of Auburn.
JOHN G. DOWNEY,

Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, March 30, 1860.

Mr. President:—The Assembly on yesterday, passed Assembly substitute for Senate Bill, No. 184, An Act making Appropriation for Deficien-

cies in Appropriation made for the Tenth Fiscal Year, ending June thirtieth, one thousand eight hundred and fifty-nine, and for the Eleventh Piscal Year, ending June thirtieth, one thousand eight hundred and sixty. R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly substitute for Senate Bill, No. 184, An Act making an Appropriation for Deficiencies in Appropriation made for the Tenth Fiscal Year. ending June thirtieth, one thousand eight hundred and fifty-nine, and for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty-was read first and second times.

On motion of Mr. Dent, the rules were suspended, and the bill consid-

ered in Committee of the Whole.

IN SENATE.

On motion of Mr. Chase, the bill was referred to the Committee on Finauce.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, March 30, 1860.

Mr. PRESIDENT:-The Assembly on the twenty-fourth instant, passed Assembly Bill, No. 296, An Act to change the Names of persons herein named:

Also, on the twenty-seventh instant, passed Assembly Bill, No. 380, An Act to provide for the opening of a Channel across the Bar at the Mouth

of the San Antonio Creek:

Also, Assembly Bill, No. 272, An Act to amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers," approved March twentieth, one thousand eight hundred and fifty-five;

Also, Assembly Bill, No. 373, An Act to authorize the Tax Collector of Mendocino County, to receive County Warrants, issued after the date of

the approval of this Act, in payment of County Taxes:

Also, on yesterday, passed Assembly Bill, No. 186, An Act concerning the Offices of Tax Collector, Auditor and Treasurer, of the City and Coun-

ty of San Francisco;
Also, Senate Bill, No. 143, An Act for the relief of George W. Manchester, Administrator upon the Estate of Thomas Manchester, deceased;

Also, Senate Bill, No. 47, An Act amendatory of an Act entitled "An Act to authorize the City and County of San Francisco, to execute certain Deeds, and cancel certain Claims," approved April twenty-sixth, one thousand eight hundred and fifty-eight, with amendments;

Also, Senate Bill, No. 31, An Act appropriating Money for the relief of Justus Hovey, Assignee of Thomas R. Eldridge.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 296, An Act to change the Names of persons herein 35sen

named-was read first and second times, and referred to the Committee

on Public Morals;

Also, Assembly Bill, No. 380, An Act to provide for the Opening of a Channel across the Bar at the Mouth of the San Antonio Creek-was read first and second times.

On motion of Mr. Redman, the rules were suspended, the bill read a

third time and passed;
Also, Assembly Bill, No. 272, An Act to amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers," approved March twentieth, one thousand eight hundred and fifty-five-was read first and second times, and referred to the Judiciary Committee;

Also, Assembly Bill, No. 373, An Act to authorize the Tax Collector of Mendocino County to receive County Warrants issued after the date of the Approval of this Act in payment of County Taxes-was read first

and second times, and referred to the Senator from that county;

Also, Assembly Bill, No. 186, An Act concerning the Offices of Tax Collector, Auditor and Treasurer, of the City and County of San Francisco—was read first and second times, and referred to the San Francisco

Delegation;

Also, Senate Bill, No. 47, An Act amendatory of an Act entitled "An Act to authorize the City and County of San Francisco, to execute certain Deeds, and cancel certain Claims," approved April twenty-sixth, one thousand eight hundred and fifty-eight-Assembly amendments concurred in

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

March 29, 1860.

Mr. President: -The Assembly has passed Assembly Bill, No. 378, An Act to authorize the Administrator of the Estate of Charles White, deceased, to Sell and Convey Real Estate.

J. M. ANDERSON,

Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No 378, An Act to authorize the Administrator of the Estate of Charles White, deceased, to Sell and Convey Real Estate—was read first and second times.

On motion of Mr. Redman, the rules were suspended, and the bill read

a third time and passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, March 29, 1860.

Mr. PRESIDENT:-The Assembly this day passed Assembly Bill, 166, An Act to Provide for the better Maintenance of the Indigent Sick of Calaveras County.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 166, An Act to Provide for the better Maintenance of the Indigent Sick of Calaveras County-was read first and second times.

On motion of Mr. Bradley, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

On motion of Mr. Ballou, the claim of - Hiller, for - dollars, was

referred to the Committee on Claims.

Mr. Anderson moved to reconsider the vote whereby Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead, in the City and County

of San Francisco-was ordered engrossed on yesterday.

Mr. Parker rose to a point of order, that the motion to reconsider was a privileged question, and that Mr. Phelps having first given the notice to reconsider, the privilege belonged to him, and it was not therefore in order for the Senator from Placer, Mr. Anderson, to make that motion.

The Chair decided the point of order not well taken.

Upon which, Mr. Parker appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair be sustained?" the ayes and noes were demanded, by Messrs. Dickinson, Anderson, and Vance, and taken with the following result: Ayes, 24-noes, 3:

Aves-Messrs. Anderson, Bradley, Ballou, Clark. Chase, Dent, Denver, Dickinson, Eagon, Edgerton, Franklin, Haynes, Lansing, Leet, Logan, Parks, Peachy, Redman, Ryan, Sharp, Titus, Vance, Watson, and Wheeler-24.

Noes-Messrs. Kirkpatrick, McDonald, and Parker-3.

So the decision of the Chair was sustained.

Mr. Phelps declined to vote.

Mr. Phelps moved to make the motion to reconsider the special order for Monday, April second, at twenty minutes past eleven, A. M.

Pending which, Mr. Anderson moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Crittenden, O'Farrell, and Watkins. The Sergeant-at-Arms was dispatched for absentees.

Mr. Crittenden, appearing at the bar of the Senate, was admitted. Mr. Anderson moved to dispense with further proceedings under the

call.

Upon which, the ayes and noes were demanded, by Messrs. Peachy, Parker, and Phelps, and taken with the following result: Ayes, 16noes, 16:

Ayes-Messrs. Anderson, Bradley, Ballou, Chase, Denver, Eagon, Edgerton, Franklin, Lansing, Leet, Logan, Pico, Quinn, Titus, Vance, and Wheeler-16.

Noes-Messrs. Clark, De la Guerra, Dent, Dickinson, Haynes, Kirkpatrick, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Redman, Ryan, Sharp, and Watson-16.

So the motion was lost.

Mr. Eagon moved to dispense with further proceedings under the call. Upon which, the ayes and noes were demanded, by Messrs. Peachy, Kirkpatrick, and Ryan, and taken with the following result: Ayes, 15—noes, 13:

AYES—Messrs. Anderson, Chase, Denver, Dickinson, Eagon, Edgerton, Franklin, Lansing, Logan, Phelps, Pico, Quinn, Titus, Vance, and Wheeler—15.

Nors-Messrs. Clark, De la Guerra, Dent, Haynes, Kirkpatrick, Leet, McDonald, Merritt, Parks, Peachy, Redman, Ryan, and Sharp-13.

So the motion prevailed.

Mr. Dickinson asked and obtained indefinite leave of absence for Mr.

The question recurring on making the special order for Monday, April second, at twenty minutes past eleven, A. M. the ayes and noes were demanded, by Messrs. Peachy, Ryan, and Parker, and taken with the following result: Ayes, 14—noes, 17:

Ayes—Messrs. De la Guerra, Dent, Haynes, Kirkpatrick, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Pico, Redman, Ryan, and Sharp—14.

Noes—Messrs. Anderson, Bradley. Ballou, Clark, Chase, Denver, Eagon, Edgerton, Franklin, Lansing, Leet, Logan, Quinn, Titus, Vance, Watson, and Wheeler—17.

So the motion was lost.

The question being on reconsidering the vote whereby the bill was ordered engrossed, the ayes and noes were demanded, by Messrs. Phelps, Ryan, and Vance, and taken with the following result: Ayes, 13—noes, 18:

AYES—Messys. De la Guerra, Dent, Haynes, Kirkpatrick, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Redman, Ryan, and Sharp—13.

Noes-Messes, Anderson, Bradley, Ballou, Clark, Chase, Denver, Eagon, Edgerton, Franklin, Lansing, Leet, Logan, Pico, Quinn, Titus, Vance, Watson, and Wheeler-18.

So the motion to reconsider was lost.

REPORTS.

Mr. McDonald, of the Sacramento Delegation, made the following report:

Mr. President:—The Sacramento Delegation, to whom was referred Senate Bill, No. 192, entitled An Act to Provide for the Collection of Delinquent Taxes in the City and County of Sacramento, have had the same under consideration, and report it back, with an amendment, and recommend it pass as amended.

CLARK, McDONALD.

Placed on file.

On motion of Mr. McDonald, the rules were suspended, and the bill just reported was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, rules further suspended, bill considered engrossed, read a third time and passed.

Mr. Merritt, Chairman of the Judiciary Committee, made the following

report:

Mr. President:—The Judiciary Committee, to whom was referred Senate Bill, No. 242, entitled An Act to Authorize and Direct the Treasurer of the State of California to pay over to F. J. Thibault certain Audited Claims, have had the same under consideration, and report the bill back, and recommend its passage.

Your committee have also had under advisement Senate Bill, No. 231, entitled An Act concerning Official Bonds of Sheriffs and Coroners, and report the bill back, and recommend that the same be indefinitely post-

poned

Your committee have also had under consideration Assembly Bill, No. 260, entitled "An Act supplementary to 'An Act concerning Crimes and Punishments," which took effect May sixth, one thousand eight hundred and fifty, report the bill back, and recommend that the same be indefinitely postponed.

Your committee have also had under advisement Assembly Bill, No. 261, entitled An Act to enable a Minor therein named to Partition or Sell

Real Estate, and report the bill back, and recommend its passage.

Your committee have also had under consideration Senate Bill, No. 151, entitled An Act to Provide for the Payment of a Digest of the Decisions of the Supreme Court of the State of California, and for the Distribution of the same, and report the bill back, with the following amendments, and recommend its passage as amended:

Amend section one, line first, by striking out the words "six thousand,"

and inserting the words "twenty-five hundred;"

Also, in same section, line five, by striking out word "eight," and inserting the word "three."

Amend section three, by striking out all of said section after the word

"copy," in the fourteenth line of said section.

Your committee have also had under advisement Senate Bill, No. 218, entitled An Act to amend an Act entitled "An Act concerning Forcible Entries and Unlawful Detainers," passed April twenty-second, one thousand eight hundred and fifty, and report the bill back, with the following ing amendment, and recommend its passage as amended:

Amend by striking out section two.

Respectfully submitted.

MERRITT,

Chairman.

Placed on file.

On motion of Mr. Chase, Assembly Bill, No. 120, An Act in relation to Mining Copartnerships, was made the special order for Thursday, April fifth, at 12, M.

Mr. Parks, Chairman of Committee on Public Morals, made the follow-

ing report:

Mr. President:—The majority of your Committee on Public Morals, to whom were referred Senate Bill, No. 244, entitled An Act for the Relief of the Indigent Deaf, Dumb, and Blind, in California, have considered the

same, and herewith report back said bill, with a substitute, and recommend the passage of the substitute.

W. H. PARKS, Chairman.

Placed on file.

On motion of Mr. Sharp, the rules were suspended, and the bill, just reported was taken up, the substitute adopted, and read first and second

Mr. Leet moved to make the bill the special order for Thursday, April

fifth, at twelve, M.

Upon which the ayes and noes were demanded, by Messrs. Leet, Vance, and Dent, and taken with the following result: Ayes, 7-noes, 20:

AYES-Messrs. Dent, Denver, Eagon, Leet, Titus, Vance, and Wheel-

Noes-Messrs. Bradley, Ballou, Clark, Crittenden, De la Guerra, Dickinson, Franklin, Lansing, Logan, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Pico, Redman, Ryan, Sharp, and Watson-20.

So the motion was lost.

On motion of Mr. Sharp, the rules were suspended, the bill considered

engrossed, and read a third time.

Mr. Quinn moved to make it the special order for Wednesday, April

fourth, at thirty minutes past eleven, A. M.

Lost.

The question being on the passage of the bill, the ayes and noes were demanded, by Messrs. Quinn, Titus, and Kirkpatrick, and taken with the following result: Ayes, 20-noes, 10:

Ayes-Messrs. Anderson, Bradley, Ballou, Clark, Crittenden, De la Guerra, Franklin, Lansing, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Pico, Redman, Ryan, Sharp, Watson, and Wheeler-20.

Noes-Messrs. Dent, Denver, Dickinson, Eagon, Kirkpatrick, Leet,

Logan, Quinn, Titus, and Vance-10.

So the bill passed.

Mr. Merritt moved to reconsider the vote just taken; and also moved to indefinitely postpone the motion to reconsider. Carried.

REPORT.

Mr. Quinn, of the Tuolumne Delegation, made the following report:

Mr. President:-The Tuolumne Delegation, to whom was referred Assembly Bill, No. 283, An Act to authorize the Trustees of the City of Sonora to levy a Special Tax for the Benefit of the Fire Department, report the same back to the Senate, without amendment, and recommend its passage.

QUINN, FRANKLIN.

For Delegation.

Placed on file.

On motion of Mr. Quinn, the rules were suspended, the bill just reported taken up, read a third time, and passed.

On motion of Mr. Anderson, Senate Bill, No. 245, An Act to provide

for Funding the unpaid Interest on the War Bonds—was made the special order for Tuesday, April third, at twelve, M.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER,

March 31, 1860.

Mr. President:—The Assembly have this day passed Senate Substitute for Assembly Bill, No. 226, An Act to authorize the American River Water and Mining Company to extend their Works to, or near, the City of Sacramento in the County of Sacramento for the purpose of Supplying the Inhabitants of said County with Water for drinking and other cases, with an amendment.

R. K. WESTON,

Assistant Clerk of Assembly.

Assembly amendment concurred in.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

Office Board of Examiners, Sacramento, March 30, 1860.

To the Honorable the Senate of California:

I herewith transmit to your Honorable Body a list of claims which have been passed upon by the Board of Examiners, together with the papers and decisions of the Board in each case:

Number of Claim.	Amount Claimed.	Amount Allowed.
J. R. Hardenburgh, No. 159 Edmund Williamson, No. 168 William Duer, No. 170 J. M. Warner, No. 177 Cornelius Brown, No. 185 Totals	1,800 75 2,640 00 1,000 00	842 51 1,094 25 105 00 33 00

JOHN G. DOWNEY, Governor.

On motion of Mr. Phelps, Assembly Bill, No. 17, An Act to grant to certain Parties the right of Constructing a Road to Point Lobos in the City and County of San Francisco.

Also, Senate Bill, No. 96, An Act to grant to certain Parties the right

Also, Senate Bill, No. 96, An Act to grant to certain Parties the right of Constructing a Road from Larkin Street to Point Lobos in the City and County of San Francisco—was taken from file, and considered in Committee of the Whole.

IN SENATE.

Mr. Merritt moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded, by Messrs. Quinn, Denver, and Bradley, and taken with the following result: Ayes, 4—noes, 24:

Ayes-Messrs. Dent, Denver, Vance, and Wheeler-4.

Noes-Messrs, Anderson, Bradley, Ballou, Clark, Crittenden, Dickinson, Eagon, Franklin, Kirkpatrick, Lansing, Leet, Logan, McDonald. Merritt, Parker, Parks, Peachy, Phelps, Quinn, Redman, Ryan, Sharp, Titus, and Watson-24.

So the motion was lost.

The bill was further considered in Committee of the Whole.

IN SENATE.

Mr. Logan moved that the Senate do now adjourn.

Upon which the aves and noes were demanded, by Messrs, Peachy, Crittenden, and Ryan, and taken with the following result: Ayes, Snoes, 20:

Aves-Messrs. Dent, Eagon, Loet, Logan, Merritt, Vance, Watson, and Wheeler-8.

Noes-Messrs. Anderson, Bradley, Ballou, Clark, Crittenden, Denver, Dickinson, Franklin, Kirkpatrick, Lansing, McDonald, Parker, Parks, Peachy, Phelps, Quinn, Redman, Ryan, Sharp, and Titus-20.

So the motion was lost.

On motion of Mr. Sharp, the bills were made the special order for Wednesday, April fourth, at twenty minutes past eleven, A. M.

Mr. Vance moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded, by Messrs. Leet, Bradley, and Lansing, and taken with the following result: Ayes, 15:—noes, 9:

AYES-Messrs. Anderson, Clark, Dent. Denver, Dickinson, Franklin, Kirkpatrick, Lansing, Leet. Logan, Parker, Parks, Phelps, Redman, Titus, Vance, Watson, and Wheeler-18.

Noes-Messrs. Bradley, Ballou, Crittenden, Eagon, McDonald, Merritt, Peachy, Quinn, and Sharp-9.

So the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER.

Monday, April 2, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of Saturday read and approved.

Mr. Phelps, of the San Francisco Delegation, made the following report:

Mr. President:—The delegation from the Fifth Senatorial District, to

whom was referred Assembly Bill, No. 298, An Act conferring further Powers on the Board of Supervisors of the City and County of San Francisco, have had the same under consideration, and report the bill back without amendment, and recommend its passage.

PHELPS,

For the Delegation.

Placed on file.

On motion of Mr. Phelps, the rules were suspended, and the bill just reported taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

INTRODUCTION OF BILLS.

Mr. Redman, by leave, introduced an act entitled An Act for the Relief of Purchasers of School and Seminary Lands in this State.

Read first and second times, and placed on file.

Mr. McDonald, Chairman of the Committee on State Prison and Public Buildings, reported back a Memorial of John Senter, relative to State Prison matters, and in connection therewith.

Mr. Sharp introduced a bill for an act entitled An Act to procure a Conveyance by John Center to the State, of certain Real and Personal Property at, and near, the State Prison.

Read first and second times, and referred, with Memorial, to the Judi-

ciary Committee.

REPORTS.

Mr. Titus, Chairman of the Committee on State Hospitals, made the following report:

Mr. President:—The Committee on State Hospitals, to whom was referred Assembly Bill, No. 264, An Act to amend an Act entitled "An Act supplementary to an Act to amend 'An Act to Establish an Asylum for the Insane of the State of California," approved May seventeen, one thousand eight hundred and fifty-four, approved April fifteenth, one thousand eight hundred and fifty-nine, having had the same under consideration, respectfully report it back, and recommend its passage.

J. S. TITUS, Chairman.

Placed on file.

Mr. Wheeler, of the Yuba Delegation, made the following report:

Mr. President:—The delegation from Yuba and Sutter, to whom was referred Assembly Bill, No. 339, An Act to Regulate the Fees in Office in the County of Yuba, having had the same under consideration, hereby report it back, and recommend its passage without amendment.

E. D. WHEELER, W. H. PARKS.

Placed on file.

On motion of Mr. Wheeler, the rules were suspended, and the bill just reported taken up, read a third time, and passed.

Mr. Peachy offered the following resolution:

Resolved, by the Senate, that C. Calhoun Beard, Charles Newell, Hugh

Mauldin, Alfonso B. Smith, James K. Polk Cunningham, be, and they are hereby, allowed the sum of one dollar per day extra, from the commencement of the session; and the Controller of State is authorized to draw his warrant in favor of said parties, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Bradley offered the following resolution:

Resolved, That Jacob Stienman, James A. Mayer, and William Crudden' be, and they are hereby, allowed the sum of two dollars per day, extra, from the commencement to the end of the session; and the Controller of State is authorized to draw his warrant in favor of said parties for the above amount, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. De la Guerra offered a Concurrent Resolution relative to extending our hospitalities to the Japanese Ambassadors.

Adopted.

The Chair appointed on the part of the Senate, to carry out the provisions of said resolution, Messrs. De la Guerra, Peachy, and Wheeler.

Mr. McDonald, by leave, introduced a bill for an act entitled An Act to Pay the Fees of Attorneys in Certain Cases, in which the State is interested.

Read first and second times, and referred to the Committee on Claims.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, March 29, 1860.

Mr. President:—The Assembly this day passed Assembly Bill, No. 371, An Act to authorize and require the Board of Supervisors of the City and County of San Francisco, and the Auditor to Audit, and the Treasurer to Allow and Pay a certain Claim therein mentioned.

J. R. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 371, An Act to authorize and require the Board of Supervisors of the City and County of San Francisco, and the Auditor to Audit, and the Treasurer to Allow and Pay, a certain Claim therein mentioned.

Read first and second times, and referred to the San Francisco Delegation.

FURTHER MESSAGE FROM THE ASSEMBLY.

Assembly Chamber, March 31, 1860.

Mr. President:—The Assembly on the twenty-ninth instant, passed Assembly Bill, No. 317, An Act to amend an Act entitled "An Act to regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one;

Also, substitute for Assembly Bill, No. 181, An Act to audit and allow

a claim of B. F. Hastings;

Also, Assembly Bill, No. 316, An Act concerning the Office of Public Administrator, in Solano County;

Also, Assembly Bill, No. 315, An Act to extend the provisions of an Act entitled "An Act to change the time of holding the Courts in Yolo County," approved February twentieth, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 311, An Act to amend "An Act concerning Courts of Justice and Judicial Officers," passed May nineteenth, one thou-

sand eight hundred and fifty-three;

Also, Assembly Bill, No. 304, An Act to regulate the Salary of the

County Judge of Mariposa County;

Also, Assembly Bill, No. 127, An Act to authorize Charles B. Polhemus, Robert Allen, John Perry, Jr. and W. Southwick, their Associates and Assigns to construct and keep in repair a certain Street in the City and County of San Francisco, and to levy and collect Tolls thereon;

Also, on the thirtieth, passed Senate Bill, No. 86, An Act to ratify and confirm, Order Number One Hundred and Seventy-Two, of the Board of

Supervisors of the City and County of San Francisco. R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 317, An Act to amend an Act entitled "An Act to regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one—was read first and second times, and referred to the Committee on Judiciary;

Also, Assembly Bill, No. 181, An Act to audit and allow a claim of B. F. Hastings—was read first and second times, and referred to the Committee

on Claims;

Also, Assembly Bill, No. 316, An Act concerning the Office of Public Administrator in Solano County—was read first and second times, and re-

ferred to the Senator from that county;

Also, Assembly Bill, No. 315, An Act to extend the provisions of "An Act to change the time of holding the Courts in Yolo County," approved February twentieth, one thousand eight hundred and fifty-seven—was read first and second times, and referred to the Senator from that county;

Also, Assembly Bill, No. 311, An Act to amend "An Act concerning Courts of Justice and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three—was read first and second times, and referred to the Judiciary Committee;

referred to the Judiciary Committee;
Also, Assembly Bill, No. 304, An Act to regulate the Salary of the
County Judge of Mariposa County—was read first and second times, and

referred to the Senator from that district:

Also, Assembly Bill, No. 127, An Act to authorize Charles B. Polhemus, Robert Allen, John Perry, Jr. and W. Southwick, their Associates and Assigns, to construct and keep in repair a certain Street in the City and County of San Francisco, and to levy and collect tolls thereon—was read first and second times, and referred to the San Francisco Delegation.

FURTHER MESSAGE FROM THE ASSEMBLY.

Assembly Chamber, March 31, 1860.

Mr. President:—The Assembly on the twenty-seventh instant, passed Assembly Bill, No. 334, An Act to provide for the disposal of Lots, in the Towns and Villages on the Public Lands in Mendocino County;

Also, on the twenty-eighth instant, passed Assembly Bill, No. 389, An Act to legalize the duplicate Assessment List, of Los Angeles County;

Also, Assembly Bill, No. 390, An Act to authorize the Board of Supervisors of Contra Costa County, to appropriate Money to the use of the

Contra Costa County Agricultural Society;

Also, on yesterday, passed Assembly Bill, No. 305, An Act to authorize and require the Tax Collector of the County of Marin, to receive Warrants and Scrip, issued for County Indebtedness of said County, in payment for Taxes levied for County Purposes;

Also, Assembly Bill, No. 396, An Act to Incorporate the Town of La

Porte.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill. No. 334, An Act to provide for the disposal of Lots in the Towns and Villages, on the Public Lands, in Mendocino County—was read first and second times, and referred to the delegation from Mendocino County;

Also, Assembly Bill, No. 389, An Act to Legalize the duplicate Assessment List, of Los Angeles County—was read first and second times, and

referred to the Senator from that county;

Also, Assembly Bill. No. 390, An Act to authorize the Board of Supervisors, of Contra Costa County, to appropriate Money to the use of Contra Costa County Agricultural Society—was read first and second times.

On motion of Mr. Dent, the rules were suspended, and the bill con-

sidered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Assembly Bill, No. 395, An Act to Authorize and Require the Tax Collector of the County of Marin to receive Warrants and Scrip issued for County Indebtedness of said County in Payment for Taxes levied for County Purposes—was read first and second times and referred to the Senator from that district.

Assembly Bill, No. 396, An Act to Incorporate the Town of La Portewas read first and second times and referred to the Senator from that

county.

FURTHER MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly.

ASSEMBLY CHAMBER,

March 31, 1860.

Mr. President:—The Assembly this day passed Senate Bill, No. 251, An Act granting further Powers to the Board of Supervisors, the Auditor and Treasurer, of the City and County of San Francisco, with an amendment.

R. K. WESTON,

Assistant Clerk of Assembly.

Assembly amendment concurred in.

ASSEMBLY CHAMBER,

April 2, 1860.

Mr. PRESIDENT:-The Assembly on Saturday, refused to recede from

its amendment to Senate Bill, No. 89, An Act to create the Office of State Geologist, and define the Duties thereof, and have appointed as a Committee of Free Conference on the part of the House, Messrs. Conness, Williams, and Smith of Nevada, and ask the appointment of a like committee on the part of the Senate:

Also, adopted Senate Concurrent Resolution, No. 41, Relative to the Sixteenth and Thirty-Sixth Sections of Land donated to this State for

School Purposes;

Also Senate Concurrent Resolution, No. 46, Relative to Leave of Ab-

sence to Charles Lindley, County Judge of Yuba County;
Also, passed Assembly Bill, No. 205, An Act amendatory of, and supplemental to, an Act entitled "An Act to Establish Pilots and Pilot Regulations for the Port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-four, and of the several Acts amendatory

Also, Assembly Bill, No. 326, An Act for the Relief of Peter H. Burnett; Also, concurred in and further amended Senate amendments to Assembly Bill, No. 350, An Act to Provide for the Compensation of the Keeper of the County Jail, in the County of Trinity, and the Payment of such Services from the first day of November, one thousand eight hundred and fifty-eight.

R. K. WESTON,

Assistant Clerk of Assembly.

Mr. Dickinson in the Chair.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 205, An Act amendatory of, and supplemental to, an Act entitled "An Act to Establish Pilots and Pilot Regulations for the Port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-four, and of the several acts amendatory thereof-was read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 326, An Act for the Relief of Peter H. Burnettwas read first and second times and referred to the Committee on Claims.

Assembly amendments to Senate amendments to Assembly Bill, No. 350-were concurred in.

FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, April 2, 1860.

Mr. PRESIDENT:-The Assembly on the twenty-ninth instant, passed Assembly Bill, No. 242, An Act to create a Board of Water Commissioners in the County of Merced, and define their Duties;

Also, Assembly Bill, No. 281, An Act supplemental to an Act entitled "An Act to Provide Revenue for the Support of the Government of this State," approved April twenty-ninth, one thousand eight hundred and

fifty-seven.

I am also directed to inform the Senate that a minority report of the Special Joint Committee appointed to visit Round Valley, in Mendocino County, has been made to the House, and nine hundred and sixty copies ordered printed, in connection with the majority report.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 242, An Act to create a Board of Water Commissioners in the County of Merced, and define their Duties-was read first

and second times, and referred to the Senator from that district.

Assembly Bill, No. 281, An Act supplemental to an Act entitled "An Act to Provide Revenue for the Support of the Government of this State," approved April twenty-ninth, one thousand eight hundred and fifty-seven -was read first and second times, and referred to the Committee on Finance.

Mr. Parker in the Chair.

The Chair appointed on the part of the Senate, Messrs, Logan, Parker, and McDonald, as a Committee of Free Conference, to take into consideration Senate Bill, No. 89, An Act to create the Office of State Geologist, and define the Duties thereof.

REPORTS.

Mr. Denver, Chairman of Committee on Enrollment, made the following report:

Mr. President :- The Committee on Enrollment have examined and found correctly enrolled Senate Bill, No. 86, An Act to Ratify and Confirm Order, No. One Hundred and Seventy-Two, of the Board of Supervisors of the City and County of San Francisco;

Also, Senate Bill, No. 201, An Act to fix the Compensation of the Audi-

tor of Napa County;
Also, Senate Bill, No. 122, An Act authorizing certain Parties to Con-

struct a Wharf on Petaluma Creek, in Sonoma County;

Also, Senate Bill, No. 182, An Act to amend an Act entitled "An Act to authorize Charles J. Collins, his Associates and Assigns, to build a Wharf at or near Point Colberg, in Solano County," passed April twenty-first, one thousand eight hundred and fifty-seven;

Also, Senate Bill, No. 31, An Act appropriating Money for the Relief

of Justus Hovey, Assignee of Thomas R. Eldredge; And have delivered the same to the Governor.

A. St. C. DENVER.

Chairman.

Report accepted.

Mr. Ballou, Chairman of the Committee on Mileage, made the following report:

Mr. President:-The Committee on Mileage report the sum of one hundred and thirty-one dollars and sixty cents due Senator Dickinson, and one hundred and eleven dollars and sixty cents due Senator O'Farrell, as mileage dues for services rendered upon Special Mendocino Indian War Investigating Committee, payable out of the Contingent Fund of the Senate.

BALLOU.

Chairman.

Adopted. Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined

Senate Bill, No. 167, An Act in Relation to a Sea-Wall or Bulkhead in the

City and County of San Francisco;
Also, Senate Bill, No. 192, An Act to provide for the Collection of Delinguent Taxes in the City and County of Sacramento, and find the same correctly engrossed.

DENT, Chairman.

Report accepted.

On motion of Mr. Anderson, Senate Bill, No. 167, An Act in Relation to a Sea-Wall or Bulkhead in the City and County of San Franciscowas made the special order for to-morrow, at fifteen minutes past eleven,

INTRODUCTION OF BILLS.

Mr. Dent, by leave, introduced a bill for an act entitled An Act to provide for the Settlement of all Claims against the State of California arising out of, or connected with, the Contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell for the Lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract and the Surrender of the State Prison to the State.

Read first and second times, and placed on file.

Mr. Ryan, by leave, introduced a bill for an act entitled An Act for the Survey of Logs in Humboldt County.

Read first and second times.

On motion of Mr. Ryan, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Ryan, the rules were further suspended, the bill considered engrossed, read a third time, and passed.

Mr. Logan offered a Concurrent Resolution, Relative to the Establishment of a certain Mail Route in the Northern portion of this State.

On motion of Mr. Kirkpatrick, the special order of the day was taken up.

SPECIAL ORDER.

Senate Bill, No. 43, An Act to provide Revenue for the Support of the Government of this State-was further considered in Committee of the Whole, and amended.

IN SENATE.

On motion of Mr. Leet, the bill was recommitted to the Senator from Sutter, Mr. Parks, and the Senator from El Dorado, Mr. Dickinson, with instructions to make the bill correspond in dates.

Mr. Peachy asked and obtained leave of absence for himself for one

day.

REPORTS.

Mr. Bradley, of the Calaveras Delegation, made the following report:

Mr. President:—The delegation, to whom was referred Substitute for Assembly Bill, No. 202, An Act to Abolish the Office of County Assessor, and Establish the Office of Township Assessors in Calaveras County, have had the same under consideration, and herewith return the bill, and recommend its passage.

B. T. BRADLEY.

Placed on file.

Mr. Crittenden, Chairman of the Committee on Counties and County Boundaries, made the following report:

Mr. President:—The Committee on Counties and County Boundaries, to whom was referred the bills hereinafter named, have had the same under consideration, and beg leave respectfully to report:

Assembly Bill, No. 82, An Act to create the County of Alturas, to define the Boundaries, and provide for the Organization thereof, and rec-

ommend its indefinite postponement; Also, Substitute for Assembly Bill, No. 182, An Act amendatory of "An Act to define the Boundaries and provide for the Organization of Mendocino County," passed March eleventh, one thousand eight hundred and

fifty-nine, and recommend its passage;

Also, Assembly Bill, No. 222, An Act amendatory of "An Act to amend 'An Act providing for the Permanent Location of the Seats of Justice in the several Counties," passed April eleventh, one thousand eight hundred and fifty, passed May thirteenth, one thousand eight hundred and fiftyfour, passed February first, one thousand eight hundred and fifty-five, and recommend its passage;

Also, Assembly Bill, No. 240, An Act to define the Limits and Boundaries of the County of Marin, and recommend its passage;

Also, Assembly Bill, No. 157, An Act to provide for the Settling the Boundary Line between the Counties of Sierra and Plumas, and the Counties of El Dorado and Sacramento, and recommend its passage, with the following amendments:

Strike out in line nine, section one, the word "said," and insert "the," and after the word "counties," in line ten, insert "between which said

lines are run."

And add-

Sec 4 The provisions of this act are hereby made applicable to an establishment of the boundary line between the counties of Plumas and Shasta.

Also, add-

Sec. 6. This act to take effect from and after its passage.

CRITTENDEN,

Chairman.

Placed on file.

Mr. Logan offered a Concurrent Resolution Relative to the Establishment of a New Land District in the Northern part of Sacramento Valley.

Adopted.

On motion of Mr. Quinn, Senate Bill, No. 226, An Act to Appropriate Money to Pay Charles A. Clark, was taken from file, and considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

The question being on ordering the bill engrossed.

Upon which the ayes and noes were demanded by Messrs. Merritt, Phelps, and Watson, and taken with the following result: Ayes, 9-nocs, AYES-Messrs. Bradley, Denver, Haynes, Kirkpatrick, Lansing, Quinn,

Ryan, Sharp, and Watson-9.

Noss-Messrs. Crittenden, De la Guerra. Dent, Dickinson, Eagon, Franklin, Logan, McDonald, Merritt, Parks, Phelps, Redman, and Titus —13.

So the Senate refused to order the bill engrossed.

Mr. Eagon gave notice that on to-morrow he would move for a reconsideration of the vote just taken.

Mr. Merritt gave notice that he would also move for a reconsideration

of the vote just taken, to-morrow.

Mr. Lausing, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. President:—Your Committee on Contingent Expenses, to whom were referred certain accounts herein set forth, have examined the same, and recommend the payment thereof, out of the Contingent Fund of the Senate:

Purpose.	Amount.
Charles T. Botts, for Newspapers J. Steinman J. Anthony & Co., for Newspapers Wm. Dougherty, do Democratic Standard do Total	\$81 00 14 75 75 62 105 95 40 50 \$317 82

C. J. LANSING, Chairman.

Placed on file.

On motion of Mr. Merritt, Senate Bill, No. 117, An Act to provide for the Payment of Two Hundred and Fifty Thousand Dollars of the Outstanding Indebtedness of the State—was made the special order for Thursday, April fourth, at fifteen minutes past eleven, A. M.

On motion of Mr. Phelps, Senate Bill, No. 221, An Act to audit and allow the Claim of J. J. Lecount—was taken from file, and considered in

Committee of the Whole.

IN SENATE.

On motion of Mr. Phelps, the rules were suspended, the bill considered engrossed, read a third time and passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, April 2, 1860.

Mr. President:—The Assembly have this day passed Senate Bill, No. 192, An Act to provide for the Collection of Delinquent Taxes in the City and County of Sacramento.

R. K. WESTON,
Assistant Clerk of Assembly.

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Mr. Kirkpatrick gave notice that on to-morrow, he would move to amend the Standing Rules of the Senate, by adding the following, as-

Rule 49. From and after the tenth instant, no new business shall be

introduced into the Senate.

Mr. Watson, Senator from Monterey, made the following report:

Mr. President:—The delegation to whom was referred Assembly Bill, No. 299, An Act concerning Taxes in Monterey County, has had the same under consideration, and report it back, recommending its passage.

JNO. II. WATSON.

Placed on file.

On motion of Mr. Watson, the rules were suspended, and the bill just reported taken up and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

On motion of Mr. Dent, Senate Bill, No. 11, An Act to Appropriate Money for the Payment of certain Claims, was made the special order for Thursday, April fourth, at thirty minutes past eleven, A. M.

On motion of Mr. Denver, the Senate adjourned.

I. N. QUINN, President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Tuesday, April 3, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Merritt presented a petition from citizens of Tulare County, remonstrating against the passage of Assembly Bill, No. 209, An Act to Provide for the Improvement of the Navigation of the San Joaquin River.

Referred to the Committee on Commerce and Navigation.

Mr. Chase presented a petition from citizens of Nevada County, Relative to a Railroad from Nevada to Folsom.

Referred to the Nevada Delegation.

REPORTS.

Mr. Watkins, Chairman of Committee on Claims, made the following report:

Mr. President:—Your Committee on Claims, to whom was referred Assembly Bill, No. 307, An Act for the Payment of the Expenses incurred in the Suppression of Indian Hostilities in the County of Mendocino, in this State, have had the same under consideration, and respectfully report the same back, and recommend its passage;

Also, the claim of J. M. Warner, for services as an Appraiser at the State prison in the year one thousand eight hundred and fifty-five, have

had the same under consideration, and report the same back, with the

accompanying bill, and recommend its passage;

Also, Senate Bill, No. 119, An Act making an Appropriation for the Payment of D. J. Snyder, for Services rendered by him, have had the same under consideration, and herewith return the bill, and recommend its passage.

WATKINS, Chairman.

Placed on file.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate Bill, No. 241, entitled An Act to Provide for the Location of the County Seat of Yolo County, have had the same under consideration, and report the bill back, and recommend that the same be indefinitely postponed.

Your committee have also had under advisement Senate Bill. No. 223, entitled An Act for the Relief of the Heirs of Pierre Maurin, deceased, and report the bill back, and recommend its passage—Mr. Merritt dissent-

ing.

Your committee have also had under consideration Senate Bill, No. 214, entitled An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to Regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, approved April fifteenth, one thousand eight hundred and fifty-eight, and report the bill back, and recommend its passage.

Your committee have also had under advisement Senate Bill, No. 253, entitled An Act to define the time for commencing Civil Actions in cer-

tain Cases, and report the bill back, and recommend its passage.

Your committee have also had under consideration Assembly Bill, No. 357, entitled An Act to authorize the Guardian of certain Minors to Sell their Real Estate, and report the bill back, and recommend its passage.

Your committee have also had under advisement Assembly Bill, No. 258, entitled An Act to Provide for a Convention to revise and amend the Constitution of this State, and report the bill back, and recommend its passage—Messrs. Merritt, Anderson, and Wheeler, voting for it—

Messrs. Redman and Sharp, dissenting.

Your committee have also had under consideration Assembly Bill, No. 272, entitled An Act to amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers," approved March twentieth, one thousand eight hundred and fifty-five, and report the bill back, with the recommendation that it be referred to the delegation from Sierra.

Respectfully submitted.

MERRITT, Chairman.

Placed on file.

Mr. Parks, of Special Committee, to whom was referred Senate Bill, No. 43, An Act to Provide Revenue for the Support of the Government of this State, with special instructions, made the following report:

Mr. PRESIDENT:-Your committee, to whom was referred Senate Bill,

No. 43, An Act to Provide Revenue for the Support of the Government of this State, beg leave to report back the following amendments:

Amend section eleven, line one, by striking out "June," and inserting

"August."

Amend section sixteen, line one, by striking out "June," and inserting "August."

Amend section eighteen, line nine, by striking out "July," and insert-

ing "October."

Amend section twenty-one, line three, by striking out "June," and inserting "September."

Amend section twenty, line five, by striking out "fourth," and insert-

ing "second."

Amend section twenty, line five, by striking out "June," and inserting "September."

Amend section twenty, lines twenty-six and twenty-seven, by striking

out "first," and inserting "third."

Amend section twenty, lines twenty-six and twenty-seven, by striking out "July," and inserting "September."

Amend section twenty-eight, line one, by striking out "first," and in-

serting "third."

Amend section twenty-eight, line one, by striking out "August," and inserting "October."

Amend section twenty-nine, line one, by striking out "second," and

inserting "third."

Amend section twenty-nine, line one, by striking out "August," and inserting "November."

Amend section thirty, line one, by striking out "second," and inserting

"fourth."

Amend section thirty, line one, by striking out "August," and inserting "November."

Amend section forty-four, line one, by striking out "October," and in-

serting "February."

Amend section forty-four, line twenty-seven, by striking out "October," and inserting "February."

Amend section forty-four, line forty-five, by striking out "November,"

and inserting "February."

Amend section ninety-three, line one, by striking out "county," and inserting "district."

> W. H. PARKS. For Committee.

The amendments as above reported by committee, were concurred in. Pending the consideration of the bill in Committee of the Whole, Mr. Anderson called for the special order.

Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead, in

the City and County of San Francisco-was read a third time.

The question being on its passage-

Mr. Peachy moved to recommit to the Special Committee appointed to consider the bill, with the following instructions.

Mr. Merritt called for a division of the question.

The first question being on the adoption of the following amendment: Amend section two, by striking out all after the word "line," in the fourth line, down to and including the word "with," in the seventh line. Amendment lost.

The second question being on the adoption of the following amendment:

Amend same section further, by striking out the "eighth line and the ninth line," down to and including the word "city," and inserting in lieu thereof the words "Folsom and East streets on the south, and Vallejo and Davis streets on the north."

The ayes and noes were demanded, by Messrs. Peachy, Merritt, and

Ryan, and taken with the following result: Ayes, 15-noes, 17:

AYES—Messrs. Crittenden, De la Guerra. Dent, Haynes, Kirkpatrick, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Redman, Ryan, Sharp, and Watson—15.

Noes-Messrs. Anderson, Bradley, Clark, Chase, Denver, Eagon, Edgerton, Franklin, Lansing, Leet, Logan, Pico, Quinn, Titus, Vance, Watkins, and Wheeler-17.

So the amendment was lost.

Mr. Dickinson paired off with Mr. O'Farrell.

The third question being on the adoption of the following amendment: Amend section five, by inserting after the word "California," in the fifth line, the words following: "And in estimating the income arising from the rights granted by this act, interest on all sums of money received as income shall be charged against said company at the rate of ten per cent. per annum.

The ayes and noes were demanded, by Messrs. Peachy, Phelps, and

Merritt, and taken with the following result: Ayes, 15-noes, 17:

Aves—Mossrs. Crittenden, De la Guerra. Dent, Haynes, Kirkpatrick, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Redman, Ryan, Sharp, and Watson—15.

Nors-Messrs. Anderson, Bradley, Clark, Chase, Denver, Eagon, Edgerton, Franklin, Lansing, Leet, Logan, Pico, Quinn, Titus, Vance, Watkins, and Wheeler-17.

So the amendment was lost.

Mr. Dickinson paired off with Mr. O'Farrell.

The fourth question was on the adoption of the following amendment:
In line eleven, after the word "allowing," insert the words "and charging."

Amendment lost.

The fifth question was on the adoption of the following amendment:

Amend section four, by striking out of the first line the words "first section of said act," and striking out from the second line the word "six," and inserting in lieu thereof the word "four," and by striking out all after the word "report," in the seventh line, down to and including the word "section,' in the ninth line.

Amendment lost.

The sixth question was on the adoption of the following amendment: Amend by striking out the sixth section and numbering the remaining sections to correspond.

Amendment lost.

The seventh question was on the adoption of the following amendment:
Amend section seven, by inserting in the first line, between the words
"the" and "laws," the word "general."

Amendment lost.

The eighth question was on the adoption of the following amendment: And amend it further, by striking out all after the word "taken," in

the sixth line, down to, but excluding, the word "except," in the seventh line, and inserting in lieu thereof the words "within the limits of the city and county of San Francisco."

Amendment lost.

The ninth question being on the adoption of the following amendment:

And further amend section seven, by inserting after the word "laws," in the eighteenth line, the following: "provided, that no franchises, wharfs, or rights of wharfage, dockage, or tolls, shall be taken or condemned, or otherwise acquired, by said San Francisco Dock and Wharf Company, by agreement between said company and the owners thereof; but the value of said wharfs, franchises, or rights of wharfage, dockage, or tolls, shall be ascertained in the mode provided by the railroad laws, now in force for the case where the parties cannot agree upon the value of the property bought to be condemned; and, provided further, that all wharfs, franchises, rights of wharfage, dockage, or tolls, which the said San Francisco Dock and Wharf Company, may now own, or shall hereafter acquire, otherwise than as provided for in the preceding proviso, shall not enter into the estimate of the cost of said bulkhead, sea-wall, piers, wharfs, or other structures, for any of the purposes of this act; and, provided further, that in all legal proceedings instituted by the said San Francisco Dock and Wharf Company, for the purpose of taking and condemning any wharf, franchise, right of wharfage, dockage, or tolls, against any person or corporation whatsoever, the State of California, shall be made a party plaintiff with the said company, and shall have rights to be represented by counsel in said suit, to be selected by the Governor, and to examine witnesses, and to take appeals, and in all respects to conduct the suit in such a manner as to prevent the payment by the said company, of a greater sum of money for such wharf, franchise, right of wharfage, dockage, and tolls, than the same may be reasonably worth, and the whole expense of such litigation shall be paid by said company; and, provided further, that, with the exception of wharfs. franchises, rights of wharfage, dockage, and tolls, the property which, by this section, the said company is empowered to take under the provisions of the railroad laws, may be taken by agreement between parties in case such agreement can be effected, as provided by said railroad laws; and, provided further, that no franchise, privilege, structure, or property of any kind, whether oral or personal, corporal or incorporal, shall be subject to the provisions of this section, before it shall become necessary for the San Francisco Dock and Wharf Company, to take and have the same for the purpose of the actual construction of said bulkhead, or seawall, or wharfs, or piers, in the progress of the building thereof; nor shall the said San Francisco Dock and Wharf Company, have the right to charge or collect any dockage, wharfage or tolls, within the limits or extent mentioned in section two of this act, except at such bulkhead, or sea-wall, or wharfs, or such part thereof, as may have been actually constructed by said company; nor shall said company, by driving rows of piles, or any other means, obstruct the navigation of the harbor, or prevent access to the natural or artificial shore, or to any structure inside of the line mentioned in section two, as the extent of this act, except when such obstruction results necessarily from the actual building of said bulkhead, or wharfs, or piers."

The ayes and noes were demanded by Messrs. Phelps, Chase, and

Parks, and taken with the following result: Ayes, 14-noes, 17:

Aves-Messrs. Crittenden, Dent, Haynes, Kirkpatrick, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Redman, Ryan, Sharp, and Watson

Nors-Messrs. Anderson, Bradley, Clark, Chase, Denver, Eagon, Edgerton, Franklin, Lansing, Leet, Logan, Pico, Quinn, Titus, Vance, Watkins, and Wheeler-17.

Mr. Dickinson, paired off with Mr. O'Farrell.

So the amendment was lost.

The tenth question being on the adoption of the following amendment: Amend section nine by striking out all after the word "bidder," in the twenty-second line, and inserting in lieu thereof, the following: "provided, that in no case shall the said company have a right to do the said work or any part thereof; and, provided further, that in said advertisement, the proposals shall be to let out the contract by sections, no section to embrace more than so much of the bulkhead or sea-wall as lies between the middle of one slip and the middle of the nearest adjacent slip, and the wharf between the said two slips; and, provided further, that the terms of payment to the Contractor for the proposed works, shall be cash, to be paid weekly, as the work progresses, with the reservation by the said company of such a per centage, not exceeding twenty per cent. as may be deemed prudent to withhold, until the completion of the section contracted to be built, but said per centage shall be withheld no longer; and, provided further, that said proposals shall be sealed and handed in to the Board of Supervisors of the city and county of San Francisco, and shall not be opened until the day fixed for that purpose in the advertisement; and, provided further, that no contract shall be awarded to any bidder before it shall have been approved by said Board of Supervisors; and provided further, that within a reasonable time, to be named in said advertisement, the person whose bid is accepted shall give his bond, with sureties to the State of California for the faithful performance of the undertakings in his contract, the amount of the bond to be named by the said Board of Supervisors, and the bond itself and sureties to be approved by them."

The ayes and noes were demanded, by Messrs. Peachy, Phelps, and

Ryan, and taken with the following result: Ayes, 13-noes, 16:

AYES-Messrs. De la Guerra, Dent, Haynes, McDonald, Merritt, Parker,

Parks, Peachy, Phelps, Redman, Ryan, Sharp, and Watson-13.

Noes-Messrs. Anderson, Bradley, Clark, Chase, Denver, Eagon, Edgerton, Franklin, Leet, Logan, Pico, Quinn, Titus, Vance, Watkins, and Wheeler-16.

So the amendment was lost.

Mr. Dickinson paired off with Mr. O'Farrell.

The eleventh question being on the adoption of the following amendment:

Amend the bill further, by striking out the eleventh section, and insert-

ing in lieu thereof, the following:

Sec. 11. The said bulkhead or sea-wall, and wharfs, and piers, and offices, and all the rights, franchises, and privileges, granted to said company, shall be liable to assessment and taxation, for State, city, and county, purposes, in the same manner and to the same extent, as other private property; and all sums of money paid by said company as taxes shall be excluded from all estimates of the actual cost of said works, or

of the expenses of operating and maintaining the same, for all the purposes of this act.

The ayes and noes were demanded, by Messrs. Peachy, Phelps, and Titus, and taken with the following result: Ayes, 13-noes, 16.

Ayes—Messrs. De la Guerra, Dent, Haynes, McDonald, Merritt, Parker,

Parks, Peachy, Phelps, Redman, Ryan, Sharp, and Watson—13.

Noes—Messrs. Anderson, Bradley, Clark, Chase, Denver, Eagon, Edgerton, Franklin, Leet, Logan, Pico, Quinn, Titus, Vance, Watkins, and Wheeler-16.

So the amendment was lost.

Mr. Dickinson paired off with Mr. O'Farrell.

The twelfth question was on the adoption of the following amendment: Amend section twelve by striking out all after the word "thereto," in the twelfth line.

Amendment lost.

The thirteenth question being on the adoption of the following amendment:

Amend section seventeen by adding thereto the following: "provided, further, that if the city and county of San Francisco, shall, within three months after the passage of an act of the Legislature, at its present session, authorizing said city and county to raise by taxation or otherwise the sum of five hundred thousand dollars, raise the same, and pay said sum into the State treasury, then, and in consideration thereof, all the rights, powers, franchises, and privileges, herein granted to the said San Francisco Dock and Wharf Company, shall end, and the same shall be, and are, hereby granted to said city and county, and all the duties, obligations, and conditions, imposed by this act on said company, are hereby imposed to the same extent and in like manner, on the said city and

The ayes and noes were demanded, by Messrs. Parker, Anderson, and

Chase, and taken with the following result: Ayes, 13-noes, 17:

AYES-Messrs. De la Guerra, Dent, Haynes, McDonald, Merritt, Parker,

Parks, Peachy, Phelps, Redman, Ryan, Sharp, and Watson-13.

NOES-Messrs. Anderson, Bradley, Ballou, Clark, Chase, Denver, Eagon, Edgerton, Franklin, Leet, Logan, Pico, Quinn, Titus, Vance, Watkins, and Wheeler-17.

So the amendment was lost.

Mr. Dickinson paired off with Mr. O'Farrell.

The fourteenth question was on the adoption of the following amendment:

Amend section seven, of the engrossed bill, by striking out all after the word "laws," in the twenty-second line, down to, and including, the word "laws," in the twenty-seventh line.

Amendment lost.

Mr. Sharp moved to recommit to special committee, appointed to consider the bill, with the following instructions, and called for a division of the question.

The first quistion being on the adoption of the following amendment: Section one, line four, strike out all after words "granted to the," and

insert in lieu thereof, "city and county of San Francisco."

The ayes and noes were demanded, by Messrs. Parker, Bradley, and Sharp, and taken with the following result: Ayes, 13—noes, 16:

Ayes—Messrs. De la Guerra, Dent, Haynes, Kirkpatrick, McDonald, Merritt, Parker, Parks, Peachy, Redman, Ryan, Sharp, and Watson—13.

Noes-Messrs, Anderson, Bradley, Clark, Chase, Denver, Eagon, Edgerton, Franklin, Leet, Logan, Pico, Quinn, Titus, Vance, Watkins, and Wheeler-16.

So the amendment was lost.

Mr. Dickinson paired off with Mr. O'Farrell.

The second question was on the adoption of the following amendment: Section two, lines four, five, six and seven, strike out words "except where the width of said bulkhead is greater than the width of the street or space between the water line, and the line of the adjoining lots, then the same may be extended so as to secure the one hundred and ten feet in width."

Amendment lost.

The third question being on the adoption of the following amendment: Section four, line four, after word "report," insert "and said company shall expend each and every year thereafter, until said bulkhead or seawall shall be completed, or shall be forfeited by said company, a sum not less than the income or revenue arising from, or produced by, the wharfs and docks existing in San Francisco, and belonging to, or which may be acquired, by said company."

The ayes and noes were demanded by Messrs. Peachy, Phelps, and

Bradley, and taken with the following result: Ayes, 14-noes, 17:

AYES—Messis. De la Guerra, Dent, Haynes, Kirkpatrick, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Redman, Ryan, Sharp, and Watson—14.

Noes-Messrs. Anderson, Bradley, Ballou, Clark, Chase, Denver, Eagon, Edgerton, Franklin, Leet, Logan, Pico, Quinn, Titus, Vance, Watkins, and Wheeler-17.

So the amendment was lost.

Mr. Dickinson paired off with Mr. O'Farrell.

The fourth question was on the adoption of the following amendment:
Add to section four, "The Board of Supervisors of the city and county
of San Francisco, shall also have power to limit the cost of said bulkhead
or sea-wall; provided, that the cost of the same shall not be less than four
million of dollars, nor exceed the snm of six million five hundred thousand dollars."

Amendment lost.

The fifth question was on the adoption of the following amendment: Section five, line five, strike out words "shall belong to the State of California," and insert in lieu thereof, the words "shall belong to the city and county of San Francisco."

Amendment lost.

The sixth question was on the adoption of the following amendment: Section seven, line six, just after the word "within," insert words "or outside of."

Amendment lost.

The seventh question was on the adoption of the following amendment: Add to section eleven, "The said Dock and Wharf Company shall pay

to the city and county of San Francisco ten per centum of the gross receipts from wharfage, tolls, and dockage, collected, which payments shall be made in cash, monthly, under the oath of the President or Treasurer of said company.

Amendment lost.

The eighth question was on the adoption of the following amendment: Section twelve, strike out the words "State of California," wherever it occurs in that section, and insert in lieu thereof, the words "City and County of San Francisco."

Amendment lost.

The ninth question was on the adoption of the following amendment:
Add to section seventeen, "provided further, if any citizens of said city and county shall, within six months after the passage of this act, raise and pay to the State of California, the sum of five hundred thousand dollars, then in consideration thereof, all the rights, privileges, and franchises, of said company, shall cease and determine, and the same, together with the said bulkhead, sea-wall, and appurtenances, shall vest in, and belong to, the city and county of San Francisco, and said city and county shall fulfill all the duties and obligations imposed upon said company by this act; and in such event said city, before exercising any of said rights

or privileges, shall repay to such citizens said sum of five hundred thousand dollars, with interest thereon at the rate of ten per cent. per annum, from the date of the payment of the same to the State, until the repayment thereof by said city and county; provided further, that said five hundred thousand dollars, when so paid to the State, the same shall be, and is hereby, set apart, as a fund for the establishment and endowment of a California State University, to be expended as may be hereafter pro-

vided by law."

Amendment lost.

The tenth question being on the adoption of the following amendment:

Substitute for section eighteen.

Sec. 18. This act shall not take effect, except so far as relates to the erection in this section provides for, until the same shall have been approved by a majority of the people of the city and county of San Francisco, to be ascertained and declared at a special election to be held in said city and county, on the --- day of ----, one thousand eight hundred and sixty, for that purpose; of which election, it shall be the duty of the Board of Supervisors of the said city and county, to give previous notice at least twenty days, through the columns of two or more daily newspapers published in said city and county, specifying in such notice, the time and place of holding the polls at such election, with the purpose thereof. It shall be the further duty of said Board of Supervisors to cause a sufficient number of ballots to be prepared for such election, with the words, "An Act in relation to a Sca-Wall or Bulkhead in the City and County of San Francisco," printed thereon. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition, shall have the word "No" printed or written thereon. Sealed returns shall be made of the vote cast in said proposition, in like manner as provided for in case of the election of city and county officers, to the Clerk of said county, of the number of voters voting "Yes," and the number voting "No," which returns shall be opened and counted in the same manner as the returns of the votes for city and county officers, and when opened and counted, the official result thereof shall be declared officially by said Board of Supervisors; and if by the result of said election it shall be ascertained and officially declared as

aforesaid; that a greater number of the electors of said city and county of San Francisco upon said proposition, vote "Yes," than shall vote "No," then said act shall take effect and be in force, and not otherwise. Said election shall, in all other respects except as provided in this section, be held and conducted in compliance with the laws regulating elections for officers in said city and county of San Francisco.

The aves and noes were demanded by Messrs. Sharp, Phelps, and

Peachy, and taken with the following result: Ayes, 14-noes, 16:

AYES-Messrs. De la Guerra, Dent, Eagon, Haynes, Kirkpatrick, Mc-Donald, Merritt, Parker, Parks, Peachy, Phelps, Redman, Ryan, and

Sharp-14.

Noes-Anderson, Ballon, Clark, Chase, Denver, Edgerton, Franklin, Leet, Logan, Pico, Quinn, Titus, Vance, Watkins, Watson, and Wheeler-

So the amendment was lost.

Mr. Dickinson paired off with Mr. O'Farrell.

The eleventh question being on the adoption of the following amend-

Amend by striking out section eighteen and inserting in place there-

"Sec. 18. This act shall not take effect until a majority of the legal voters in this State have voted upon and approved of the provisions of this bill, and the voters at the next general election shall vote upon the question 'bulkhead or no bulkhead.' And if a majority of the votes shall be 'bulkhead,' the Governor shall certify the same, and this bill shall have full force and effect from that time, and not otherwise."

The ayes and noes were demanded by Messrs. Redman, Kirkpatrick, and Peachy, and taken with the following result: Ayes, 12-noes, 18:

AYES—Messrs. De la Guerra, Dent, Haynes, Kirkpatrick, DeDonald, Merritt, Parker, Parks, Peachy, Redman, Ryan, and Sharp—12.

NoES-Messrs. Anderson, Bradley, Ballou, Clark, Chase, Denver, Eagon, Edgerton, Franklin, Leet, Logan, Pico, Quinn, Titus, Vance, Watkins, Watson, and Wheeler-18.

So the amendment was lost.

Mr. Dickinson paired off with Mr. O'Farrell.

Mr. Ryan moved to recommit the bill, with the following special instructions:

On motion of Mr. Chase, the further reading was dispensed with.

Strike out all after the enacting clause, and insert the following: Sec. 1. It shall be the duty of the Governor, immediately on the passage of this act, to appoint a Commission, consisting of three persons, one of whom shall be selected from the United States Corps of Engineers, one from the United States Navy, and one from the profession of Civil Engineers, and to request the consent of the President of the United States to the appointment of the two persons first named. The persons thus selected shall form a Board of Engineers, whose duty it shall be to make thorough surveys, examinations, and experiments, in the harbor of San Francisco, to ascertain what constructions, if any, are necessary for the permanent improvement and preservation of said harbor, and for securing a sufficient depth of water along the line of the city front, as established by the water lot act of one thousand eight hundred and fifty-

one, for all the uses of commerce and navigation; and it shall be their duty also to determine on the proper localities for wharfs, running out from the outer line of the city front, into the bay, and for piers; and on the proper length and width of the same; and on the materials to be used in their construction, and the manner in which they shall be built; and it shall also be their duty to report as soon as practicable, to the Governor, and to the Board of Supervisors of the city and county of San Francisco, full and minute plans and specifications of the works and structures required for the aforesaid purposes, an estimate of the cost thereof, and of the time within which said works and structures may be reasonably made, and such further information and suggestions as a majority of said Board of Engineers, or any of them, may deem pertinent and important; provided, that said surveys, examinations, experiments, and report, shall be made and concluded within fourteen months after the said Board of Engineers shall notify the Governor, that they have entered upon the duties herein assigned them.

Sec. 2. Within ninety days after the said report shall have been approved and adopted by the Governor, and also by the Board of Supervisors, of the said city and county, and the Governor and said Board of Supervisors are required to act upon said report within sixty days after they shall have respectively received the same, it shall be the duty of the said Board of Supervisors to advertise for proposals for the construction of such work or structures as may be recommended by said Board of Engineers or by a majority of them; or for the construction of such part or parts of the same, as they may deem it advisable to commence immediately. The proposed works and structures shall be divided into sections, each one including not more than so much of the structure along the front line of the city, as may lie between the middle of one slip and the middle of the nearest adjacent slip, nor more than one wharf to run out therefrom. The advertisement shall be for proposals for the construction of each section, and shall specify the length and locality of each section of the structure along the city front, and also, the length and locality of the wharf connected therewith; the plans and specifications, according to which each section and the wharf connected therewith, shall be built; the time, within which each section shall be completed; the amount of the bond required to be given for the faithful performance of the contract, with the number and qualifications of the sureties in said bond; and all other particulars which it shall be deemed proper and convenient to insert therein; provided, that said proposals, before they are issued, shall be approved by the Governor; and, provided further, that no bid shall be accepted by the said Board of Supervisors before it is approved by the Governor.

Sec. 3. The advertisement for proposals shall offer the contract for the construction of said work and wharfs to the lowest responsible bidder, under the restrictions aforesaid, who will agree to construct the same for the right to charge and collect dockage, wharfage, and tolls, on and at such structure and wharf may be embraced in the section of the work for which he shall bid, for the shortest term of years, counting said term from the day his bid shall be approved by the Governor. And the said Board of Supervisors shall specify in said advertisement for proposals, the rates of dockage, wharfage, and tolls, which the Contractor shall be allowed to charge on and at the section of the work for which he shall bid, during the term of years specified in his bid.

Sec. 4 The terms of the advertisement for proposals, and of the proposal which may be accepted for each section, shall be incorporated in a

written contract, which shall be first submitted to the Governor, the Board of Supervisors of said city and county, and the Attorney-General, and when approved by them, shall be signed by the President of said Board of Supervisors and by the person or persons whose proposal shall be accepted; provided, that no such contract shall be signed before the Contractor shall have given the required bond with suretics, approved by said Board of Supervisors.

Sec. 5. All proposals shall be sealed and handed to the President of the Board of Supervisors, or to the Governor, within the time limited in the advertisement, and on some day appointed for that purpose in the advertisement they shall be opened in the Board of Supervisors, in the

presence of the Governor.

Sec. 6. The advertisement for proposals shall be published in at least two daily newspapers in the city of San Francisco, in one newspaper in the city of Sacramento, in one newspaper in the city of Marysville, and in one in the city of Stockton, if there be such newspapers, for at least

sixty days.

Sec. 7. The same rights as are now extended by the laws of this State to railroad companies, in relation to the taking of private property for the use of their roads and works, are hereby extended to the Board of Supervisors of the city and county of San Francisco, for the purpose of condemning any franchise, rights, or lands, or interest in lands, or wharfs, or rights of wharfage, necessary for the construction of any works that the said Board of Engineers may find to be necessary for the protection of the harbor as aforesaid.

Sec. 8. For the purpose of carrying out the provisions of the preceding section, the Board of Supervisors of the said city and county are hereby authorized to cause the issuance of any amount of bonds of said city and county necessary for the purpose of paying any damages that may be awarded to any person or persons under the provision of the preceding section, not exceeding the gross sum of five hundred thousand dollars. Said bonds shall be issued payable in fifteen years from the date of their issuance, with interest, payable semi-annually, at the rate of seven per cent. per annum; provided, if any contract shall be let to any person, corporation, or firm, who now owns any franchise, wharf, wharfs, or right of wharfage, the Board of Supervisors, with the approval of the Governor, may compromise the claim for damages of such person, corporation, or firm, by an extension of the grant of the use of that portion of the works let to such person or persons.

Sec. 9. It shall be the duty of said Board of Engineers, on the day on which they shall enter upon the discharge of the duties and services im-

posed on them by this act, to notify the Governor of the fact.

Sec. 10. There shall be paid to each member of said Board of Engineers, in full for all services performed by them under the requisitions of this act, the sum of five thousand dollars, one-fourth of which shall be paid within one month after the notification to the Governor, mentioned in the preceding section; one-fourth three months after said notification; one-fourth in six months after said notification; and the balance, after the report of said Board of Engineers shall have been made to the said Board of Supervisors and to the Governor. And for the payment of the expenses incurred in the making of said surveys, examinations and experiments, a further sum, not to exceed ten thousand dollars, shall be allowed said Board of Engineers, to be paid by warrants drawn by the Controller on the Treasury of State; and the Controller is hereby required to draw said warrants in favor of the persons to whom the said Board of Engineers,

or a majority of them, shall give certificates to the effect that the sums named therein are due to such persons on account of said expenses, after said certificates shall have been approved by the Board of Examiners of this State. The sum of twenty-five thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the payment of said Engineers, and of said contingent expenses.

Sec. 11. This act shall take effect immediately after its passage.

Upon which, the ayes and noes were demanded, by Messrs. Ryan, Merritt, and Phelps, and taken with the following result: Ayes, 13-noes, 18:

AYES-Messrs. De la Guerra, Dent, Havnes, Kirkpatrick, McDonald, Merrritt, Parker, Parks, Peachy, Phelps, Redman, Ryan, and Sharp-13. Noes-Messrs. Anderson, Bradley, Ballou, Clark. Chase, Denver, Eagon, Edgerton, Franklin, Leet, Logan, Pico, Quinn, Titus, Vance, Watkins, Watson, and Wheeler-18.

So the motion to recommit was lost.

Mr. Dickinson paired off with Mr. O'Farrell.

Mr. Anderson moved to make the further consideration of the bill under discussion the special order for to-morrow, at ten minutes past eleven, A. M.

Upon which, the ayes and noes were demanded, by Messrs. Watson, Vance, and Phelps, and taken with the following result: Ayes, 24—noes, 6:

AYES—Messrs. Anderson, Bradley, Ballou, Clark, Dent, Dickinson, Franklin, Haynes, Kirkpatrick, Lansing, Leet, Logan, McDonald, Parker, Parks, Peachy, Phelps, Pico, Quinn, Ryan, Sharp, Titus, Vance, and Wheeler—24.

Noes-Messrs. De la Guerra, Denver, Eagon, Edgerton, Redman, and

Watson-6.

So the motion was carried.

REPORTS.

Mr. Sharp, Chairman of Committee on Public Expenditures, made the following report:

Mr. PRESIDENT:—Your Committee on Public Expenditures have examined the copying done for the Senate up to date, and find it as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal	490	15 cts.	\$ 73 50
For Printer	490	10	49 00
Statements and Statistics	1,104	15	165 60
For Printer	1,104	10	110 40
Totals	3,188		\$398 50

Examined, audited and allowed.

SOL. A. SHARP, Chairman.

Adopted.

On motion of Mr. Eagon, the reconsideration of the vote whereby the Senate refused to order Senate Bill, No. 226, An Act to Appropriate Money to pay Charles A. Clark, engrossed—was made the special order for tomorrow, at twelve, M.

Mr. Clark, of the Finance Committee, made the following report:

Mr. President:—The Finance Committee, to whom was referred substitute for Senate Bill, No. 184, An Act making Appropriations for Deficiencies in Appropriations made for the Tenth Fiscal Year, ending June thirtieth, one thousand eight hundred and fifty-nine, and for the Eleventh Fiscal Year ending June thirtieth, one thousand eight hundred and sixty, have had the same under consideration, and report the same back, with an amendment, and when so amended recommend its passage.

PABLO DE LA GUERRA, R. C. CLARK, JOHN A. EAGON.

Placed on file.

On motion of Mr. Clark, the rules were suspended, and the bill just reported taken up, considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in, bill read a third time and passed.

Mr. Denver, of the Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT:—The Committee on Enrolled Bills have examined and found correctly carolled, Senate Bill, No. 192, An Act to provide for the Collection of Delinquent Taxes in the City and County of Sacramento;

Also, Senate Bill, No. 47, An Act amendatory of an Act entitled "An Act to authorize the Treasurer of the City and County of San Francisco to Execute certain Deeds and Cancel certain Claims," approved April twenty-sixth, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 193, An Act to authorize the Collection of State

and County Taxes in the County of Mariposa;

Also, Senate Bill, No. 134, An Act amendatory of, and supplimentary to, an Act entitled "An Act concerning Lawful Fences;"

Also, Senate Bill, No. 170, An Act for the Relief of John C. Hays late

Sheriff of San Francisco County;

Also, Senate Bill, No. 237, An Act to authorize the President of the Board of Supervisors, the Auditor, and Treasurer, of the City and County of San Francisco to provide for the actual and prospective Deficiency in the Corporation Debt Fund of said City and County for the Fiscal Year, one thousand eight hundred and fifty-nine and one thousand eight hundred and sixty.

A. ST. C. DENVER,

Chairman.

Report accepted.

On motion of Mr. Logan, Senate Bill, No. 307, An Act for the Payment, of Expenses incurred in the Suppression of Indian Hostilities in the County of Mendocino of this State—was made the special order for to-morrow, at thirty minutes past eleven, A. M.

Mr. Sharp, of the San Francisco Delegation, made a verbal report, recommending the passage of Assembly Bill, No. 371, An Act to authorize and require the Board of Supervisors of the City and County of San

Francisco, and the Auditor to audit, and the Treasurer to allow and pay, a certain Claim therein mentioned.

Mr. Parker dissenting.

On motion of Mr. Sharp, the rules were suspended, and the bill taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, bill read a third time, and passed.

Mr. Clark, of the Committee on Finance, made the following report:

Mr. President:—The Committee on Finance, to whom was referred Assembly Bill, No. 97, An Act supplemental to "An Act approved April twenty-ninth, one thousand eight hundred and fifty-seven to provide Revenue for the Support of the Government of this State from a Tax to be Levied and Collected from Foreign and Inland Bills and other matters."

Also, An Act to amend section one of an act entitled "An Act to provide Revenue for the Support of the Government of this State from a Tax to be Levied and Collected from Foreign and Inland Bills and other matters," approved April twenty-ninth, one thousand eight hundred and fifty-seven, approved April twenty-sixth, one thousand eight hundred and fifty-eight, have had the same under consideration, and report it back, recommending its passage, with the following amendments:

At the end of section four, add the following: "subject to the proviso

in section one of this act."

Section five, line one, after the word "file," insert "in the office of the

Secretary of State."

Section five, line four, strike out the word "and," and insert the word "with;" in same line, after the word "sureties," insert " to be approved by the Governor."

PABLO DE LA GUERRA, JOHN A. EAGON, ROBT. C. CLARK.

Placed on file.

Mr. Merritt moved that the Senate do now adjourn. Lost.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, April 3, 1860.

Mr. President:—The Assembly have this day passed Senate Bill, No. 141, An Act to authorize certain Counties to retain the State's portion of the Poll Tax less that amount authorized by Law to be paid into the General School Fund and the State's portion of the Foreign Miners' License Tax which shall be Collected in the said Counties for the year one thousand eight hundred and sixty and for the year one thousand eight hundred and sixty-one to be applied to the Construction and Improvement of certain Wagon Roads over the Sierra Nevada.

R. K. WESTON,

Assistant Clerk of Assembly.

ASSEMBLY CHAMBER.

April 3, 1860.

Mr. President:—The Assembly, on yesterday, refused to recede from its amendments to Senate Bill, No. 5, An Act to authorize the Establishment of County Infirmaries for the Relief of the Indigent, and to amend an Act entitled "An Act to provide for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five—appointed Messrs. Sawyer, Harville, and Hayes, as a committee of free conference on the part of the House, and ask the appointment of a similar committee on the part of the Senate;

Also, adopted Assembly Concurrent Resolution, No. 67, Relative to

adjournment sine die on the twenty-fourth April.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGES.

The Chair appointed, as committee of free conference, Messrs. Titus, Leet, and Bradley.

Assembly Concurrent Resolution, No. 67, Relative to adjournment sine die on the twenty-fourth April.

The question being on concurring in the same.

Mr. Parker moved to strike out "twenty-fourth," and insert "tenth."

Mr. Vance moved to amend by inserting "first day of May," in place of "April twenty-fourth."

Lost.

The resolution was concurred in.

On motion of Mr. Leet, Senate Bill, No. 214, An Act amendatory of an Act entitled "An Act to amend an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, approved April fifteenth, one thousand eight hundred and fifty-eight—was made the special order for Friday, April sixth, at fifteen minutes past eleven, A. M.

On motion of Mr. Peachy, the Senate adjourned.
I. N. QUINN.

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,

Friday, April 4, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Anderson, by leave, introduced a bill for an Act entitled An Act amending an Act entitled "An Act to Incorporate the Town of Auburn," approved March twenty nine; one thousand eight hundred and sixty.

Read first and second times.

On motion of Mr. Anderson, the rules were suspended, the bill con-

sidered engrossed, read third time and passed, and the bill transmitted to the Assembly.

Mr. Kirkpatrick asked, and obtained indefinite leave of absence, for

Mr. Edgerton.

INTRODUCTION OF BILLS.

Mr. Phelps, by leave, introduced a bill for an act entitled An Act to Change the Name of Jeremiah Gove Baker to Henry Tiffany Baker.

Read first and second times.

On motion of Mr. Phelps, the rules were suspended, the bill considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

Mr. Ryan, by leave, introduced a bill for an act entitled An Act to de-

clare certain Streams and Sloughs Navigable in Humboldt County.

Read first and second times.

On motion of Mr. Ryan, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Mr. Vance presented a petition from citizens of Butte County, relative

to boundary lines.

Also, by leave, introduced a bill for An Act to more perfectly Define the Dividing Line between the Counties of Butte and Yuba.

Referred to the delegations from Butte and Yuba.

Mr. Ballou, by leave, introduced a bill for an Act entitled an Act Legalizing the Assessment Roll in the County of Plumas, in the year one thousand eight hundred and fifty-nine.

Read first and second times.

On motion of Mr. Ballou, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the

following report:

Mr. PRESIDENT:-The Committee on Engrossed Bills, have examined Senate Bill, No. 244, An Act for the Education and Care of the Indigent Deaf, Dumb and Blind, in the State of California, and find the same correctly engrossed.

GEO. W. DENT.

Chairman.

Report accepted.

SPECIAL ORDER.

Senate Bill, No. 167, An Act in relation to a Sea-wall or Bulkhead in the City and County of San Francisco.

The question being on its passage.

Mr. Anderson moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Edgerton, O'Farrell, and Watkins.

The Sergeant-at-Arms was dispatched for absentees.

On motion of Mr. Merritt, further proceedings under the call were dispensed with.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Phelps, Lansing, and Dickinson, and taken with the following result: Ayes, 16-noes, 13:

Ayes-Messrs. Anderson, Bradley, Ballou, Clark, Chase, Denver, Ea-

gon, Franklin, Lansing, Leet, Logan, Pico, Quinn, Titus, Vance, and Wheeler-16.

Noes-Messrs. De la Guerra, Dent, Haynes, McDonald, Merritt, Parker, Parks, Peachy, Phelps, Redman, Ryan, Sharp, and Watson-13.

So the bill passed.

Mr. Crittenden paired off with Mr. Watkins-Mr. Crittenden being against the bill, and Mr. Watkins for it.

Mr. Dickinson paired off with Mr. O'Farrell-Mr. Dickinson being for

the bill, and Mr. O'Farrell against it.

Mr. Kirkpatrick paired off with Mr. Edgerton-Mr. Kirkpatrick being

against the bill, and Mr. Edgerton for it.

Mr. Dickinson gave notice that on to-morrow he would move to amend the rules, by striking out the word "eleven," in the Seventeenth Rule, and inserting "ten.

Also, the following additional Rule:

Rule 47. The General File shall be the special order for each day at twelve o'clock, M. and shall be considered at least two hours, (if the Senate remain so long in session,) so long as there is business upon the file; and this order shall take precedence of all other orders.

On motion of Mr. Eagon, the reconsideration of the vote whereby the Senate refused to order engrossed Senate Bill, No. 226, An Act to Appro-

priate Money to Pay the Claim of Charles A. Clark.

Made the special order for to-morrow, at twenty minutes past eleven, A. M.

Mr. Parker moved that the Schate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Logan, Dickinson, and Lansing, and taken with the following result: ayes, 23noes, 9:

AYES-Messrs. Anderson, Ballou, Clark, Chase, Crittenden, De la Guerra, Dent, Denver, Dickinson, Eagon, Franklin, Haynes, Lansing, Leet, McDonald, Merritt, Parker, Parks, Quinn, Ryan, Titus, Watson, and Wheeler-23.

Noes-Messrs. Bradley, Kirkpatrick, Logan, Peachy, Phelps, Pico,

Redman, Sharp, and Vance-9.

So the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Thursday, April 5, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. No quorum present.

Mr. Merritt moved a call of the Senate.

Carried. Roll called. Absent-Messrs. Bradley, Chase, Crittenden, De la Guerra, Dent, Denver, Lansing, McDonald, O'Farrell, Peachy, Phelps, Pico, Ryan, Sharp, Titus, Vance, Watson, and Wheeler.

The Sorgeant-at-Arms was dispatched for absentees.

Mr. Ryan appearing at the bar of the Senate, was admitted. Mr. Dent appearing at the bar of the Senate, was admitted.

On motion of Mr. Dickinson, further proceedings under the call were dispensed with.

Journal of yesterday read and approved.

On motion of Mr. Eagon, the special order was taken up.

SPECIAL ORDER.

Senate Bill, No. 226, An Act to Appropriate Money to Pay the Claim of Charles A. Clark.

The question being on reconsidering the vote whereby the Senate re-

fused to order the bill engrossed.

Upon which the ayes and noes were demanded by Messrs. Merritt, McDonald, and Redman, and taken with the following result: Ayes, 17—noes, 8:

AYES-Messrs. Anderson, Bradley, Ballou, Clark, Chase, Dent, Eagon, Edgerton, Haynes, Kirkpatrick, Leet, Logan, Quinn, Ryan, Titus, Vance, and Watkins-17.

Noes-Messrs. Dickinson, Franklin, McDonald, Merritt, Parker, Parks,

Peachy, and Redman.

So the vote was reconsidered.

On motion of Mr. Watson, the rules were suspended, the bill considered

engrossed, and read a third time.

On its passage the ayes and noes were demanded by Messrs Merritt, Pholps, and Parks, and taken with the following result: Ayes, 14-noes, 14:

AYES-Messrs. Bradley, Ballou, Chase, Eagon, Edgerton, Haynes, Kirkpatrick, Lansing, Leet, Quinn, Ryan, Sharp, Vance, and Watson--14.

Noes-Messrs. Anderson, Clark, De la Guerra, Dent, Dickinson, Franklin, Logan, McDonald, Merritt, Parker, Parks, Peachy, Phelps, and Redman-14.

So the Senate refused to pass the bill.

Mr. Clark gave notice, that on to-morrow he would move for a reconsideration of the vote just taken.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,
April 5, 1860.

Mr. President:—The Assembly on yesterday, passed Assembly Bill, No. 192, An Act to provide for the Construction of a Railroad from a point on Petaluma Creek, into the City of Petaluma, and for the Right of Way for the same;

Also, Senate Bill, No. 240, An Act to Authorize Jeremiah H. Holmstead

to Convey certain Real Estate;

Also, Senate Bill, No. 265, An Act Legalizing the Assessment Roll in the County of Plumas in the Year one thousand eight hundred and fiftynine;

Also, adopted Schate Concurrent Resolution, No. 47, Relative to the Establishment of certain Mail Routes in the Northern Portion of this

State:

Also, adopted Senate Concurrent Resolution, No. 50, relative to a New

Land District in California;

Also, passed Senate Bill, No. 263, An Act to Change the Name of Jeremiah Gove Baker, to Henry Tiffany Baker;

Also, Senate Bill, No. 259, An Act for the Survey of Logs in the County

of Humboldt;

Also, Senate Bill, No. 262, An Act amending an Act entitled "An Act to Incorporate the Town of Auburn;" amended by inserting an enacting clause;

Also, concurred in Senate amendments to Assembly Bill, No. 244, An Act to Regulate the Care and Maintenance of the Indigent Sick in and

for the County of Yuba;

Also, Assembly Substitute for Senate Bill, No. 184, An Act making Appropriation for Deficiencies in Appropriations made for the Tenth Fiscal Year, ending June thirty, one thousand eight hundred and fifty-nine, and for the Eleventh Fiscal Year, ending June thirty, one thousand eight hundred and sixty;

Also, on the second instant, passed Assembly Bill, No. 402, An Act to Authorize the Guardian of Alice Marsh to sell Personal Property at

Private Sale :

Also, Assembly Bill, No. 397, An Act to Legalize the Acts of the Public

Administrator of the County of Yolo;

Also, Assembly Bill, No. 312, An Act supplemental to an Act entitled "An Act for the Protection of Game," passed May thirteen, one thousand eight hundred and fifty-four;

Also, on the third instant, passed Assembly Bill, No. 212, An Act to exempt Persons who are, or may hereafter become, Members of a Fire

Company, from the Payment of a Poll Tax;

Also, Assembly Joint Resolution, No. 50, In relation to Fraudulent

Land Grants;

Also, Assembly Joint Resolution, No. 52, Relative to Cession of certain Territory to the State of California by the Federal Government.

R. K. WESTON,

As't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 192, An Act to Provide for the construction of a Railroad from a point on Petaluma Creek into the City of Petaluma, and for the Right of Way for the same—was read first and second times, and referred to the Committee on Corporations.

Assembly amendment to Senate Bill, No. 262, An Act amending an Act entitled "An Act to Incorporate the Town of Auburn,"—was concurred

in.

Assembly Bill, No. 402, An Act to Authorize the Guardian of Alice Marsh to sell Personal Property at Private Sale—was read first and second times.

On motion of Mr. Dent, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Read a third time and passed.

Assembly Bill, No. 397, An Act to Legalize the Acts of the Public Administrator of Yolo County—was read first and second times.

On motion of Mr. Edgerton, the rules were suspended, and the bili con-

sidered in Committee of the Whole.

IN SENATE.

Read third time and passed.

Assembly Bill, No. 312, An Act supplemental to an Act entitled "An Act for the Protection of Game," passed May thirteen, one thousand eight hundred and fifty-four—was read first and second times, and referred to the Committee on Agriculture.

Assembly Bill, No. 212, An Act to exempt Persons who are, or may hereafter become, Members of a Fire Company, from the Payment of a Poll Tax—was read first and second times, and referred to the Committee

on Finance.

Assembly Joint Resolution, No. 50, In relation to Fraudulent Land Grants—was read first and second times, and referred to the Judiciary Committee.

Assembly Joint Resolution No. 52, Relative to Cession of certain Territory to the State of California by the Federal Government—was read first and second times, and referred to the Special Committee having the

subject matter in charge.

On motion of Mr. Edgerton, Assembly Bill, No. 97, An Act amendatory of, and supplementary to, "An Act, approved April twenty-nine, one thousand eight hundred and fifty-seven, to provide for the Support of the Government of this State, from a Tax to be Levied and Collected from Forreign and Inland Bills, and other matter"—was made the special order for Tuesday, April ten, at twelve, M.

Mr. Eagon, of Special Committee, made the following report:

Mr. President:—The Committee to whom was referred the resolution to Pay D. J. Williamson three hundred and fifty dollars, for indexing Senate and Assembly Records, have had the same under consideration, and report a substitute, and recommend its adoption.

Resolved, That Moses Scott, Jr. be allowed fifty dollars for indexing the Senate Records up to date, to be paid out of the Contingent Fund of the Senate, and that the Assistant Secretary be, and he is hereby, instructed, to keep the index up with the business of the Senate, as a part of his official duties.

EAGON,

Chairman.

Report accepted, and resolution adopted. On motion of Mr. Merritt, the special order was taken up.

SPECIAL ORDER.

Senate Bill, No. 117, An Act to Provide for the Payment of Two Hundred and Fifty Thousand Dollars of the Outstanding Indebtedness of the State

Bill considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, bill ordered engrossed, and read a third time, and title amended by striking out "two hundred and fifty," and inserting "two hundred."
Mr. Anderson offered the following resolution:

Resolved, That Michael Martin be, and he is hereby, allowed, the sum of one dollar per day, extra pay, from the commencement of the session, for attending to the fires in the basement of the capitol building, and that the same be paid out of the Contingent Fund of the Senato.

Upon the adoption of which, the aves and noes were demanded by Messrs. Peachy, Merritt, and Parks, and taken with the following result: Aves, 15-nocs, 7:

Ayes-Messrs. Anderson, Bradley, Chase, Crittenden, De la Guerra, Dickinson, Edgerton, Franklin, Lansing, Logan, Merritt, Peachy, Pico, Redman, and Sharp-15.

Noes-Messrs. Ballou, Clark, Dent, Kirkpatrick, Parks, Quinn, and

Wheeler-7.

So the resolution was adopted.

Mr. Phelps made a verbal report from Committee on Roads and Highways, recommending the reference to the San Francisco Delegation, of Senate Bill, No. 236, An Act to Grant the Right of Way, and to authorize certain Persons, therein named, to lay down and maintain a Railroad Track within the City and County of San Francisco, and to run Cars thereon.

Mr. Phelps, by leave, introduced a bill for an act entitled An Act to

audit and allow the Claim of William Duer, or his Assigns.

Read first and second times, and referred to the Committee on Claims. Mr. Logan made the following report:

Mr. President:-Your Committee on Free Conference, to whom was referred Senate Bill, No. 89, An Act to Create the Office of State Geologist, and Define the Duties thereof, have had the same under consideration, and beg leave to report the bill back, and recommend that the Senate concur in Assembly amendments.

By order of the Committee,

J. LOGAN,

Chairman of Senate Committee.

Placed on file.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, April 4, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 182, An Act to amend an Act entitled "An Act to authorize Charles J. Collins, his Associates and Assigns, to build a Wharf at or near Point Colberg, in Solano County," passed April twenty-first, one thousand eight hundred and fifty-seven;

Also, Senate Bill, No. 122, An Act authorizing certain Parties to Con-

struct a Wharf on Petaluma Creek, in Sonoma County;

Also, Senate Bill, No. 201, An Act to fix the Compensation of the Auditor of Napa County;

Also, Senate Bill, No. 31, An Act to appropriate Money for the Relief

of Justus Hovey, Assignce of Thomas R. Eldredge;

Also, Senate Bill, No. 192, An Act to Provide for the Collection of Delinguent Taxes in the City and County of Sacramento;

Also, Senate Bill, No. 170, An Act for the Relief of John C. Hays, late

Sheriff of San Francisco;
Also, Senate Bill, No. 134, An Act amendatory of, and supplementary to, an Act entitled "An Act concerding Lawful Fences."

JOHN G. DOWNEY,

Governor.

Mr. Bradley, of Committee on Claims, made the following report:

Mr. PRESIDENT:-The Committee on Claims have examined Senate Bill, No. 161, An Act to allow and audit certain Claims, and report it back, with a substitute, and recommend the passage of the substitute;

Also, the claim of Cornelius Brown, for services in the office of State

Controller, and recommend its rejection;

Also, report a bill for the payment of certain claims, and recommend

its passage;

Also, Assembly Bill, No. 184, An Act to authorize the Issuance of Duplicates for certain Lost School Land Warrants, and recommend that the same be referred to the Committee on Public Lands.

B. T. BRADLEY,

Placed on file.

For Delegation.

COMMUNICATION FROM THE BOARD OF EXAMINERS.

The following communication was received from the Board of Examiners:

OFFICE BOARD OF EXAMINERS,

Sacramento, April 5, 1860.

To the Honorable the Senate of California:

I herewith transmit to your Honorable Body a list of claims which have been passed upon by the Board of Examiners, together with the papers and decisions of the Board in each case:

Number of Claim.	Amount,	Action.
Claim No. 162, Horace Kilham Claim No. 163. J. H. Udell Claim No. 169, W. B. Peake et als Claim No. 180, John B. Casey. Claim No. 181, A. Tack Claim No. 182, Henry M. Stow. Claim No. 184, J. G. Wickersham Claim No. 187, T. J. A. Chambers	5,000 00 71 25 500 00 154 00 1,200 00 1,150 00	Rejected Rejected Rejected Allowed Rejected Allowed Rejected Rejected

JOHN G. DOWNEY, President Board of Examiners. Mr. Sharp, by leave, introduced a bill for an act entitled An Act to authorize the Courts of Record of this State to admit Joseph Rodrigues

Brandon as an Attorney and Counselor-at-Law.

Read first and second times, and referred to the Judiciary Committee. On motion of Mr. Sharp, Senate Bill, No. 186, An Act to facilitate the Establishment of Telegraphic Communication between California and the Atlantic States, was made the special order for Wednesday, April oloventh, at thirty minutes past eleven o'clock, A. M.

REPORTS.

Mr. Denver, Chairman of Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills have examined and find correctly enrolled Senate Bill, No. 141, An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that amount authorized by law to be paid into the General School Fund, and the State's portion of the Foreign Miners' License Tax which shall be collected in the said Counties for the year one thousand eight hundred and sixty, and for the year one thousand eight hundred and sixty one, to be applied to the Construction and Improvement of certain Wagon Roads over the Sierra Nevada, and have taken the same to the Governor.

A. St. C. DENVER,

Chairman.

Report accepted.

Mr. Denver, Chairman of Committee on Enrolled Bills, also made the following report:

Mr. President:-The Committee on Enrolled Bills have examined and

found correctly enrolled the following bills:

Senate Bill, No. 226, An Act to authorize the American River Water and Mining Company to extend their Works to or near the City of Sacramento, in the County of Sacramento, for the purpose of Supplying the Inhabitants of said County with Water for drinking and other domestic uses;

Also, Senate Concurrent Resolution, No. 46, Relative to Leave of Ab-

sonce to Charles Lindley, County Judge of Yuba County;

Also, Senate Bill, No. 95, An Act for Opening and Repairing Roads in the Counties of Sutter and Santa Cruz;

Also, Senate Bill, No. 143, An Act for the Relief of George W. Manchester, Administrator upon the Estate of Thomas Manchester, deceased;

Also, Senate Bill, No. 251, An Act granting further Powers to the Board of Supervisors, the Auditor and Treasurer, of the City and County of San Francisco:

Also, Senate Concurrent Resolution, No. 44, Relative to the Sixteenth and Thirty-Sixth Sections of Lands donated to the State for School Purposes;

And have this day taken the same to the Governor.

A. St. C. DENVER,

Chairman.

Report accepted.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. PRESIDENT:-The Judiciary Committee, to whom was referred substitute for Assembly Bill, No. 257, entitled An Act to Regulate the Fees of the County Clerk of Los Angeles and San Diego Counties, have had the same under consideration, and report the bill back, with the following amendments, and recommend its passage as amended:

Amend section two, line forty-eight, by striking out from the word "when" down to word "day," inclusive, in line fity.

Amend section six, line eight, by striking out from the word "and," down to word "Attorney," in line sixteen.

Amend section seven, line three, by striking out the word "forty," and

inserting the word "thirty."

Add to end of section seven as follows:

"For copies of papers and records the same fees as are allowed for recording the same."

Respectfully submitted.

MERRITT. Chairman.

Placed on file.

Mr. Kirkpatrick made the following report:

Mr. President:—The undersigned, to whom was referred Assembly Bill, No. 272, entitled An Act to amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers," approved March twentieth, one thousand eight hundred and fifty-five, has considered the same, and now reports it, recommending its passage, without amendment.

M. KIRKPATRICK,

Of Twentieth District.

Placed on file.

On motion of Mr. Kirkpatrick, the rules were suspended, and the bill just reported taken up, and considered in Committee of the Whole.

IN SENATE.

Read a third time and passed.

Mr. De la Guerra made the following report:

Mr. President:—The undersigned delegation from the Second Senatorial District, to whom was referred Assembly Bill, No. 321, An Act to authorize José de Jesus Pico to Sell certain Land in San Luis Obispo County, belonging to his Infant Children, has had the same under consideration, and begs leave to report the same back, and recommend its passage without amendment.

Respectfully submitted.

PABLO DE LA GUERRA.

Placed on file.

On motion of Mr. De la Guerra, the rules were suspended, and the bill just reported taken up, and considered in Committee of the Whole.

IN SENATE.

Read a third time and passed.

Mr. Pico made the following report:

Mr. President: - Your committee to whom was referred Assembly Bill, No. 389, An Act to Legalize the Duplicate Assessment List of Los Angeles County, having had the same under consideration, report it back, recommending its passage.

A. PICO.

Placed on file.

On motion of Mr. Pico, the rules were suspended, and the bill just reported taken up, and considered in Committee of the Whole.

IN SENATE.

Read a third time and passed. President pro. tem. in the Chair.

Mr. Redman, by leave, introduced a bill for an act entitled An Act to authorize certain Parties therein named to Construct a Dam across the Guadalupe River, in Santa Clara County.

Read first and second times.

On motion of Mr. Redman, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Redman, the rules were further suspended, the bill considered engrossed, read a third time and passed.

INTRODUCTION OF BILLS.

Mr. Parker, by leave, introduced a bill for an act entitled An Act for the Protection of Water Companies.

Read first and second times, and referred to the Judiciary Committee. Mr. McDonald, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to amend an Act entitled "An Act declaring certain Rivers and Creeks Navigable," passed February eighteen, one thousand eight hundred and fifty-one, and to amend an Act amendatory thereto, passed May seventeenth, one thousand eight hundred and fifty-three, passed May fifteenth, one thousand eight hundred and fifty-four.

Read first and second times, and referred to the Committee on Com-

merce and Navigation.

Mr. Clark, by leave, introduced a bill for an act entitled An Act authorizing the Board of Supervisors of the City and County of Sacramento to Levy a Special Tax.

Read first and second times, and referred to the Sacramento Delegation. On motion of Mr. Chase, Assembly Bill, No. 120, An Act in relation to Mining Corpartnerships, was taken up, and referred to the Judiciary Committee.

On motion of Mr. Parks, Senate Bill, No. 249, An Act to Previde for Preparing a Catalogue for the State Library, was taken up, and substistitute adopted.

Read first and second times, rules suspended, and bill considered in

Committee of the Whole.

IN SENATE.

On motion of Mr. Parks, the rules were further suspended, the bill considered engrossed, read a third time and passed.

On motion of Mr. Ballou, Assembly Bill, No. 14, An Act to pay Mary Harrison, for Services rendered at the State Insane Asylum, was taken up and considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in, bill read a third time and passed.

On motion of Mr. Ballou, the title was amended so as to read, An Act for the Relief of certain Parties therein named.

On motion of Mr. Denver, the special order was taken up.

SPECIAL ORDER.

Senate Bill, No. 43, An Act to Provide Revenue for the Support of the Government of this State—was further considered in Committee of the Whole and amended.

Ordered engrossed, and read a third time.

On motion of Mr. Anderson, Senate Bill, No. 245, An Act to Provide for Funding the unpaid Interest on the War Debt-was taken up, and made the special order for Tuesday, April eleventh, at thirty minutes past eleven, A. M.

Mr. Dickinson, pursuant to notice, offered the following amendments to

the rules of the Senate:

Mr. Quinn called for a division of the question.

First Question.—Amend by striking out "eleven," and insert "ten," in

the Seventeenth Rule.

Upon the adoption of which, the ayes and noes were demanded, by Messrs. Merritt, McDonald, and Quinn, and taken with the following result: Ayes, 9-noes, 14:

AYES-Messrs. Clark, Dickinson, Franklin, Haynes, McDonald, Merritt,

Parks, Redman, and Titus-9.

Noes-Messrs. Anderson, Bradley, Ballou, Crittenden, De la Guerra, Eagon, Kirkpatrick, Lansing, Logan, Parker, Pico, Quinn, Sharp, and Wheeler-14.

So the first amendment was lost.

Second Question .- The General File shall be the special order for each day at twelve o'clock, M. and shall be considered at least two hours, (if the Senate remains so long in session,) as long as there is business upon the file, and this order shall take precedence of all other orders.

Mr. Merritt made the following report:

Mr. President:-The undersigned Senator from the Sixth Senatorial District, to whom was referred Assembly Bill, No. 242, An Act to create a Board of Water Commissioners in the County of Merced, and define their Duties, has had the same under consideration, and begs leave to report the same back, and recommend its passage without amendment.

Respectfully submitted.

MERRITT.

Senator Sixth District.

Placed on file.

On motion of Mr. Merritt, the rules were suspended, the bill just re-

ported taken up, read a third time and passed.

On motion of Mr. McDonald, Assembly Bill, No. 307, An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in the County of Mendocino, of this State, was taken up, and made the

special order for to-morrow, at thirty minutes past eleven, A. M.

On motion of Mr. Anderson, Senate Bill, No. 118, An Act to amend an Act entitled "An Act for the Relief of Insolvent Debtors, and Protection of Creditors," approved May fourth, one thousand eight hundred and fifty-two, was taken up and considered in Committee of the Whole.

IN SENATE.

Rules suspended, bill considered engrossed, read a third time and passed. On motion of Mr. Crittenden, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Friday, April 6, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. McDonald presented a memorial from Geo. H. Goddard, praying for relief.

Referred to the Committee on Claims.

Mr. Titus, Chairman of the State Hospital Committee, made the following report:

Mr. President:—The Committee on State Hospitals, to whom was referred Senate Bill, No. 72, An Act creating an Insane Asylum at Marysville, Yuba County, for the State of California, have had the same under consideration, and respectfully report it back, recommending its indefinite postponement.

J. S. TITUS,

Chairman.

Placed on file.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred a petition from the bondsmen on the State Treasurer's bond, have had the same under consideration, and report it back with a bill, and recommend its passage.

MERRITT, Chairman.

Placed on file.

On motion of Mr. Merritt, the bill just reported, entitled An Act to Release Certain Sureties—was read first and second times, and placed on file.

Mr. Merritt, of Committee on Commerce and Navigation, made the following report:

Mr. President:—Your Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 268, entitled An Act to amend an Act entitled "An Act to amend an Act entitled "An Act to amend an Act entitled "An Act declaring certain Rivers and Creeks Navigable,"" passed February eighteenth, one thousand eight hundred and fifty-one, and to amend an Act amendatory thereto, passed May seventeen, one thousand eight hundred and fifty-three, passed May fifteenth, one thousand eight hundred and fifty-four, have had the sume under consideration, and report the bill back, with the recommendation that the bill pass.

MERRITT,

For the Committee.

Placed on file.

On motion of Mr. McDonald, the rules were suspended and the bill just reported taken up, and considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Clark, the bill was considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

REPORTS.

Mr. Clark, of Committee on Finance, made the following report:

Mr. President:—The Finance Committee, to whom was referred Senate Bill, No. 234, An Act Appropriating Money for the German Benevolent Society of San Francisco, have had the same under consideration, and report the same back, recommending its indefinite postponement;

Also, Senate Bill, No. 219, An Act Appropriating Moneys for the Benefit of Certain Orphan Asylums in this State, report it back, and recom-

mend its passage;

Also, Senate Bill, No. 222, An Act to Provide for the Safe and Speedy Transportation of the State Funds from the Offices of the County Treasurers to the State treasury, report it back, and its passage recommended;

Also, Assembly Bill, No. 188, An Act amendatory of an Act entitled "An Act to amend an 'Act to Provide Revenue for the Support of the Government of this State," passed May fifteen, one thousand eight hundred and fifty-four, approved April seventeen, one thousand eight hundred and fifty-five, and recommend that it be indefinitely postponed;

Also, Assembly Bill, No. 281, An Act supplemental to an Act entitled "An Act to Provide Revenue for the Support of the Government of this State," approved April twenty-nine, one thousand eight hundred and

fifty-seven, and recommend its passage.

CLARK,

For Committee.

Placed on file.

Mr. Parks, of Select Committee, made the following report:

Mr. President:—Your Select Committee, to whom was referred Senate Bill, No. 103, An Act for the erection of a Building for a State Reform School, and for the Regulation of the same, with instructions to amend, beg leave to report it back amended, as instructed.

W. H. PARKS, Chairman.

Placed on file.

On motion of Mr. Parks, the rules were suspended, and the bill just reported was taken up, and amendments of committee concurred in.

The question being on its passage.

Mr. Dickinson moved a call of the Senate.

Carried.

Roll called.

Absent—Messrs. Crittenden, De la Guerra, Kirkpatrick, Lansing, McDonald, Merritt, Ryan, and Watkins.

The Sergeant-at-Arms was dispatched for absentees.

Mr. McDonald appearing at the bar of the Senate, was admitted.

Mr. Parks moved to dispense with further proceedings under the call. Lost.

Messrs. Lansing, De la Guerra, Kirkpatrick, and Crittenden, appearing at the bar of the Senate, were admitted.

On motion of Mr. Vance, further proceedings under the call of the Sen-

ate were dispensed with.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Vance, Parks, and Denver, and taken with the following result: Ayes, 16—noes, 9:

AYES-Messrs. Bradley, Ballou, Clark, Chase, Dent, Franklin, Haynes, Kirkpatrick, Logan, McDonald, Parker, Parks, Redman, Titus, Vance, and Wheeler-16.

Nors-Messrs. Crittenden, Denver, Dickinson, Lansing, Leet, O'Farrell, Pico, Quinn, and Watson-9.

So the bill passed.

Mr. Parker asked and obtained leave of absence, for Messrs. Peachy

and Phelps, for three days each.

Mr. Sharp, by leave, introduced a bill for an Act entitled An Act to Authorize Joshua Chadbourne and Josiah Bacon, to Construct and Maintain a Wharf at Lakeville, in the County of Sonoma.

Read first and second times.

On motion of Mr. Sharp, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Sharp, the rules were suspended, the bill considered engrossed, read a third time, and passed.

On motion of Mr. Clark, the vote taken on yesterday was reconsidered, whereby the Senate refused to pass Senate Bill, No. 226, An Act to Ap-

propriate Money to Pay the Claim of Charles A. Clark.

The question being on the passage of the bill, the ayes and noes were demanded by Messrs. Vance, Parks, and O'Farrell, and taken with the following result: Ayes, 14—noes, 10:

AYES—Messrs. Bradley, Ballou, Clark, Chase, Crittenden, Eagon, Kirkpatrick, Lansing, Leet, Quinn, Sharp, Vance, Watson, and Wheeler—14. Noes—Messrs. Anderson, De la Guerra, Dickinson, Franklin, Logan, McDonald, O'Farrell, Parker, Parks, and Redman—10.

So the bill passed.

On motion of Mr. Dent, the title of the bill was amended so as to read as follows:

An Act to Audit and Allow the Claim of Charles A. Clark.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills, have examined Senate Bill, No. 117, An Act to Provide for the Payment of Two Hundred Thousand Dollars of the Outstanding Indebtedness of the State, and find the same correctly engrossed.

DENT,

Chairman.

Report accepted.

SPECIAL ORDER.

Assembly Bill. No. 307, An Act for the Payment of Expenses Incurred in the Suppression of Indian Hostilities in the County of Mendocino, in this State, was considered in Committee of the Whole.

IN SENATE.

Pending which, the hour arrived for the consideration of the General File, in accordance with Rule Forty-Seven.

On motion of Mr. O'Farrell, the bill under consideration, was placed at the head of the file.

GENERAL FILE.

Further consideration of the bill in Committee of the Whole.

IN SENATE.

The question being on its passage, the ayes and noes were demanded, by Messrs. Merritt, Chase, and Titus, and taken with the following result: Ayes, 14—noes, 6:

AYES—Messrs. Ballou, Clark, Chase, Dickinson, Franklin, Haynes, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Titus, and Watson—14.

Noes-Messrs. Crittenden, Dent, Lansing, Pico, Quinn, and Redman-6.

So the bill passed.

Senate Bill, No. 175, An Act to provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Mendocino County—was read a third time and passed.

Assembly Bill, No. 143, An Act to provide for the Conveyance of Mining

Claims.

Mr. Titus moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded, by Messrs. Anderson, Dickinson, and Lansing, and taken with the following result: Ayes, 13—noes, 8:

AYES—Messrs. Ballou, Clark, Chase, Crittenden, Denver, Dickinson, Haynes, Kirkpatrick, Lansing, O'Farrell, Parks, Quinn, and Titus—13. Noes—Messrs. Anderson, Bradley, Franklin, Leet, Logan, McDonald, Merritt, and Vance—8.

So the bill was indefinitely postponed.

Mr. Crittenden asked and obtained leave of absence for himself for three days.

Senate Bill, No. 163, An Act in relation to Publications-was placed at

the foot of the file.

Assembly Bill, No. 147, An Act supplementary to an Act entitled "An Act to Incorporate the Town of Placerville," approved May seventh, one thousand eight hundred and fifty-nine—substitute adopted, considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Titus, the rules were suspended, the bill considered

engrossed, read a third time, and passed.

Assembly Bill, No. 30. An Act to amend an Act entitled "An Act to provide Revenue for the Support of the Government of this State so far as relates to the Counties of Santa Clara and Contra Costa"—was indefinitely postponed.

Assembly Bill, No. 28, An Act concerning certain Acknowledgments of Deeds and other Instruments of Writing affecting Real Estate—was

considered in Committee of the Whole.

IN SENATE.

Mr. Redman moved a call of the Senate.

Carried.

Roll called.

Absent—Messrs. Anderson, Bradley, Ballou, Clark, Crittenden, Edgerton, Kirkpatrick, Leet, O'Farrell, Parker, Peachy, Phelps, Ryan, Sharp, Vance, Watkins, and Watson.

The Sergeant-at-Arms was dispatched for absentees.

On motion of Mr. McDonall, further proceedings under the call were dispensed with.

Bill read a third time and passed.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee on Enrolled Bills have examined and found correctly enrolled. Senate Bill, No. 149, An Act to authorize the Board of Supervisors of San Joaquin County to levy a Special Tax to assist the San Joaquin Valley District Agricultural Society for the year one thousand eight hundred and sixty, and have this day taken the same to the Governor.

A. ST. C. DENVER,

Chairman.

Report accepted.

Further report from Enrolling Committee.

Mr. PRESIDENT:—'The Committee on Enrolled Bills have examined and found correctly enrolled. Senate Bill, No. 259, An Act for the Survey of Logs in the County of Humboldt;

Also, Senate Bill, No. 265, An Act Legalizing the Assessment Roll in the County of Plumas in the year one thousand eight hundred and fifty-

nine;

Also, Senate Bill, No. 263, An Act to Change the name of Jeremiah

Gove Baker to Henry Tiffany Baker;

Also, Senate Bill, No. 240, An Act to authorize Jeremiah V. Hollinsead to Convey certain Real Estate;

38sen

Also, Concurrent Resolution, No. 47, Relative to the Establishment of certain Mail Routes in the Northern portion of this State:

Also, Senate Concurrent Resolution, No. 50, Relative to a new Land

District in California, and have taken them to the Governor.

A. St. C. DENVER.

Chairman.

Mr. Dent, Chairman of the Committee on Engroused Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills, have examined Senate Bill, No. 249, An Act to provide for preparing a Catalogue of the State Library, and find the same correctly engressed.

DENT, Chairman.

On motion of Mr. Kirkpatrick, Senate Bill, No. 220, An Act to amend an Act entitled "An Act to provide for Paying certain Equitable Claims against the State of California and to Contract a Funded Debt for that purpose—was taken from file, and considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Kirkpatrick, the rules were suspended, the bill considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

Also, Senate Bill, No. 94, An Act to amend an Act entitled "An Act to provide for the Appointment of a Reporter of the Supreme Court, and define his Duties and Compensation," approved April nineteenth, one thousand eight hundred and fifty-six—was indefinitely postponed;

Also, Senate Bill, No. 139, An Act to amend "An Act to authorize the Counties of the State of California, to become Stockholders in Railroad Companies," approved April sixteenth, one thousand eight hundred and fifty-nine—was considered in Committee of the Whole.

IN SENATE.

Bill ordered engrossed and read a third time.

Senate Bill, No. 100, An Act to provide for the better observance of the Sabbath—was laid on the table.

Mr. Kirkpatrick, asked and obtained leave of absence, for Mr. Parker,

for three days.

Senate Bill, No. 183, An Act for the Relief of Henry P. Hoyt, and his Assignee—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Anderson, the bill was made the Special Order for Thursday, April twelfth, at thirty minutes past eleven, A. M.

Mr. Sharp, moved to place Assembly Bill, No. 258, An Act to provide for a Convention to Revise and Change the Constitution of this State, at the top of the file.

Upon which the ayes and noes were demanded by Messrs. Merritt, Anderson, and Leet, and taken with the following result: Ayes, 13—noes,

12:

AYES-Messrs. Clark, Chase, Crittended, De la Guerra, Eagon, Kirkpatrick, Lansing, Logan, O'Farrell, Parker, Redman, Sharp, and Watson —13.

Noes-Messrs. Anderson, Dickinson, Franklin, Haynes, Leet, McDon-

ald, Merritt, Parks, Pico, Titus, Vance, and Wheeler-12.

It requiring a two-third vote, the motion was lost.

Senate Bill, No. 242, An Act for the Payment of the Claim of Shafter

and Heydenfeldt-was placed at the foot of the file;

Also, Senate Bill, No. 147, An Act to provide for the Draining and Reclamation of certain Lands therein named, and for other purposes—was re-referred to the Committee on Swamp and Overflowed Lands.

Assembly Concurrent Resolution, No. 18, Relative to the Segregation

of the Southern portion of the State.

On motion of Mr. Anderson, made the Special Order for Monday, April

ninth, at thirty minutes past eleven, A. M.

Report of Military Committee, Relative to War Bonds, in the State

Treasurer's office, was adopted.

Senate Bill, No. 46, An Act to provide for the Disposal of the Sixteenth and Thirty-Sixth Sections of Land, donated to the State for School Purposes, by act of Congress, passed March third, one thousand eight hundred and fifty-three, and to Appropriate the proceeds of the Sales thereof to the credit of the General School Fund.

On motion of Mr. Anderson, referred to the Judiciary Committee.

Assembly Bill, No. 65, An Act amendatory of "An Act for the Government and Protection of Indians," passed April twenty-second, one thousand eight hundred and fifty—was considered in Committee of the Whole.

IN SENATE.

Read a third time and passed.

Senate Bill, No. 258, An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the Lease of the State Prison and Convict Labor, and to procure the cancellation of said Contract, and the surrender of the State Prison to the State.

On motion of Mr. Ballon, made the Special Order for Wednesday, April eleventh, at fifteen minutes past eleven, A. M.

Senate Bill, No. 196, An Act to Appropriate Money for the Relief of

Destitute Females in San Francisco.

Mr. Titus moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Merritt, McDonald, and Parks, and taken with the following result: Ayes, 13—noes, 9:

Ayes-Messrs. Anderson, Dent, Denver, Dickinson, Eagon, Franklin, Kirkpatrick, Logan, Parks, Redman, Titus, Vance, and Wheeler-13.

Noes-Messrs. Ballou, De la Guerra, Haynes, Lansing, Leet, McDonald, Merritt, O'Farrell, and Pico-9.

So the bill was indefinitely postponed.

Mr. Anderson gave notice that he would on to-morrow, move for a reconsideration of the vote just taken.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 6, 1860.

Mr. President:—The Assembly on thirty-first of March, passed Assembly Bill, No. 179, An Act amendatory to an Act entitled "An Act for the Incorporation of Water Companies," approved April twenty-second, one thousand eight hundred and fifty-eight.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 179, An Act amendatory to an Act entitled "An Act for the Incorporation of Water Companies," approved April twenty-second, one thousand eight hundred and fifty-eight—was read first and second times, and referred to the San Francisco Delegation.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 4, 1860.

Mr. President:—The Assembly on yesterday, passed Assembly Bill, No. 216, An Act amendatory of "An Act to amend an Act entitled 'An Act concerning the office of Secretary of State," passed May fourth, one thousand eight hundred and fifty-four, passed March twenty-sixth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 280, An Act to amend an Act entitled "An

Act concerning the Office of Surveyor-General";

Also, Assembly Bill, No. 72, An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty;

Also, Assembly Bill, No. 262, An Act to declare the effect of Decrees of

Divorce, from Bed and Board;

Also, Assembly Bill, No. 246, An Act amendatory of "An Act to authorize the Formation of Corporations, for the Construction of Plank, or Turnpike Roads," passed twelfth of May, one thousand eight hundred and fifty-five;

Also, Assembly Bill, No. 251, An Act to amend an Act entitled "An Act concerning Courts of Justice, and Judicial Officers," passed May nine-

teenth, one thousand eight hundred and fifty-three;

Also, Senate Bill, No. 174, An Act to Authorize the State Treasurer to

Receive and Cancel certain Evidences of Indebtedness;

Also, Senate Bill, No. 194, An Act to Appropriate Money for the Purchase of certain City Lots, and a Dairy for the State Insane Asylum, with amendments;

Also, refused to pass Senate Bill, No. 136, An Act to amend an Act entitled "An Act to Provide Revenue for the Support of the Government of this State," passed May fifteen, one thousand eight hundred and fifty-four;

Also, indefinitely postponed Senate Bill, No. 107, An Act Appropriating

Moneys for the Benefit of the Ladies' Seamen's Friend Society of San Francisco.

R. K. WESTON, Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 216, An Act amendatory of "An Act to amend an Act entitled 'An Act Concerning the Office of Secretary of State,'" passed May one, one thousand eight hundred and fifty-four, passed March twenty-five, one thousand eight hundred and fifty-nine—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 280, An Act to amend an Act entitled "An Act Concerning the Office of Surveyor-General"—was read first and second times,

and referred to the Judiciary Committee.

Assembly Bill, No. 72, An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteen, one thousand eight hundred and fifty—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 262, An Act to Declare the Effect of Decrees of Divorce from Bed and Board—was read first and second times, and re-

ferred to the Judiciary Committee.

Assembly Bill, No. 246, An Act amendatory of "An Act to Authorize the Formation of Corporations for the Construction of Plank or Turnpike Roads," passed twelfth May, one thousand eight hundred and fifty-five—was read first and second times, and referred to the Committee on Corporations.

Assembly Bill, No. 251, An Act to amend an Act entitled "An Act Concerning Courts of Justice and Judicial Officers," passed May nineteen, one thousand eight hundred and fifty-three—was read first and second times, and referred to the Judiciary Committee.

Concurred in Assembly amendments to Senate Bill, No. 194, An Act to Appropriate Money for the Purchase of certain City Lots and a Dairy for

the State Insane Asylum.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 6, 1860.

Mr. President:—The Assembly have this day passed Assembly Bill, No. 361, An Act to amend an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice in this State," passed April twenty-nine, one thousand eight hundred and fifty-one, and other acts amendatory thereto.

R. K. WESTON,

Ass't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 361, An Act to amend an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-nine, one thousand eight hundred and fifty-one, and other acts amendatory thereto—was placed at the top of the file.

Mr. Anderson offered the following resolution:

Resolved, That William Coates be allowed one hundred dollars for services rendered in taking testimony before the Special Committee upon the Bulkhead Bill, the same to be paid out of the Contingent Fund of the Senate.

Adopted.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 3, 1860.

Mr. President:—The Assembly, on the twenty-ninth of March, passed Assembly Bill, No. 233, An Act amendatory of, and supplementary to, "An Act to Establish, Support, and Regulate, Common Schools, and to Repeal former Acts concerning the same," approved May three, one thousand eight hundred and fifty-five.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 233, An Act amendatory of, and supplementary to, "An Act to Establish, Support, and Regulate Common Schools, and to Repeal former Acts concerning the same," approved May third, one thousand eight hundred and fifty-five—was read first and second times, and referred to the Committee on Education.

FURTHER MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, April 6, 1860.

Mr. President:—The Assembly have this day passed Assembly Bill, No. 363, An Act supplementary to an Act entitled "An Act to Confer further Powers upon the Board of Education, Auditor, and Treasurer, of the City and County of San Francisco," approved March fifteen, one thousand eight hundred and sixty.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 263, An Act supplementary to an Act entitled "An Act to Confer further Powers upon the Board of Education, Auditor, and Treasurer, of the City and County of San Francisco," approved March fifteen, one thousand eight hundred and sixty.

Read first and second times.

On motion of Mr. Merritt, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Read a third time and passed.

On motion of Mr. Titus, Assembly Bill, No. 176, An Act supplemental to an Act entitled "An Act to authorize the Sale of certain Real Estate by Guardians," approved March twenty-eighth, one thousand eight hundred and fifty-nine-was taken from file, and considered in Committee of the Whole.

IN SENATE.

Read a third time and passed.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. PRESIDENT :- The Committee on Engrossed Bills have examined Senate Bill, No. 226, An Act to audit and allow the Claim of Charles A. Clark, and find the same correctly engrossed.

DENT, Chairman.

Report accepted.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

April 6, 1860.

Mr. PRESIDENT:-The Assembly, on yesterday, passed Assembly Bill, No. 221, An Act to provide for the Payment of Certain Claims against the City of Sacramento by a Duplicate Issue of certain Bonds of said

City;

Also, Assembly Bill, No. 418, An Act supplemental to an Act entitled "An Act to authorize the Board of Supervisors of the County of Yuba to take and subscribe Two Hundred Thousand Dollars to the Capital Stock of a Railroad Company and to provide for the Payment of the same and other matters relating thereto," approved April twenty-eighth, one thousand eight hundred and fifty-seven; Also, Assembly Bill, No. 428, An Act to extend the time for Collecting

Taxes in the County of Santa Cruz;

Also, have passed Senate Bill, No. 69, An Act to amend an Act entitled "An Act to provide for the Issuance of Patents to Lands located with State School Land Warrants and for Lands purchased under the Act of April twenty-third, one thousand eight hundred and fifty-eight," approved April sixteenth, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 264, An Act to declare certain Streams and

Sloughs Navigable in Humboldt County;

Also, Senate Bill, No. 180, An Act to provide for the proper Registration and Canceling of the evidences of Indebtedness paid prior to the term of the present State Treasurer;

Also, Senate Bill, No. 210, An Act to Define and Establish a portion of the Eastern Boundary of the State of California, with amendments;

Also, indefinitely postponed Senate Bill, No. 10, An Act to amend an Act entitled "An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State," approved April twentyfirst, one thousand eight hundred and fifty-eight.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 221, An Act to provide for the Payment of certain Claims against the City of Sacramento by a duplicate Issue of certain Bonds of said City-was read first and second times, and referred to the

Sacramento Delegation.

Assembly Bill, No. 418, An Act supplemental to an Act entitled "An Act to authorize the Board of Supervisors of the County of Yuba to take and subscribe Two Hundred Thousand Dollars to the Capital Stock of a Railroad Company, to provide for the Payment of the same, and other matters relating thereto," approved April twenty-eighth, one thousand eight hundred and fifty-seven—was read first and second times, and referred to the Yuba Delegation.

Assembly Bill, No. 428. An Act to extend the time for Collecting Taxes in the County of Santa Cruz—was read first and second times, and re-

ferred to the Senator from that county.

Senate Bill, No. 210, An Act to Define and Establish a portion of the Eastern Boundary of the State of California.

On motion of Mr. Dickinson, the Senate proceeded to adopt the As-

sembly amendments seriatim.

The first, second, third, and fourth, amendments, were concurred in. On motion of Mr. Watson, the further consideration of the bill was made the special order for to-morrow, at thirty minutes past eleven, A. M. On motion of Mr. Kirkpatrick, the Senate adjourned.

C. J. LANSING,

President pro tem. of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

Assembly Chamber, Saturday, April 7, 1860.

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

No quorum present.

Mr. Logan moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Clark, Chase, De la Guerra, Eagon, McDonald, Merritt, Parks, Quinn, Ryan, Vance, Watson, and Wheeler.

The Sergeant-at-Arms dispatched for absentees.

Messrs. De la Guerra and Wheeler, appearing at the bar of the Senate, were admitted.

On motion of Mr. Dickinson, further proceedings under the call were dispensed with.

Mr. Franklin asked and obtained leave of absence for Mr. Quinn, for two days.

Mr. Logan asked and obtained leave of absence for Mr. Ryan, for two

Journal of yesterday read and approved.

SPECIAL ORDER.

Senate Bill, No. 210, An Act to Define and Establish a portion of the

Eastern Boundary of the State of California—the fifth, sixth, seventh, eighth, and ninth, Assembly amendments, were concurred in.

REPORTS.

Mr. Anderson, Chairman of the Committee on Corporations, made the following report:

Mr. President:—The Committee on Corporations have had under consideration Senate Bill, No. 254, An Act to Provide for Line of Telegraph from Santa Cruz to Santa Clara. As there is now upon the statute book a general law in relation to the subject matter of this bill, embracing, as the committee believe, ample means for accomplishing the ends desired, the committee herewith return the bill, and recommend that it do not pass.

ANDERSON, Chairman.

Placed on file.

Mr. Bradley, of Committee on Claims, made the following report:

Mr. President:—The Committee on Claims beg leave to report that they have examined Senate Bill, No. 257, An Act to pay the Fees of Attorneys in certain Cases, in which the State is interested, and report the same back, with a substitute, and recommend the passage of the substitute.

Also, report a bill for the Payment of B. F. Hastings & Co. Assignees

of John O'Meara, and recommend its passage;

Also, have examined the claim of A. Hiller, for the sum of three hundred and fourteen dollars, for one clock, furnished to the Senate Chamber in the year one thousand eight hundred and fifty-five, and report the same back without recommendation. The history of this claim is about as follows:

The firm of Hiller & Andrews imported from New York, via Panama, two clocks, at the instance of Gen. Denver, then Secretary of State. One of these clocks was placed in the Senate, the other in the Assembly Chamber. From some cause, (failure to get their pay, probably,) the firm took back the one placed in the Assembly Chamber, and the other one failing to keep good time, was placed in the basement of the capitol, in the room then occupied by E. R. Campbell, Esq., and was afterwards sent by that gentleman to San Francisco for repairs. Your committee have learned that this valuable piece of furniture is now in that city, at the establishment of Mr. Kent, Jeweler, and that the State can obtain possession of it by the payment of the moderate sum of ten dollars for the aforesaid repairs.

Your committee also report two claims, and recommend that they be transmitted to the Committee on Claims of the Assembly, as bills relating to the same have already been introduced in that body. The claims are

those of Mr. Tack and John F. Carey;

Also, have examined the claim of Edmund Williamson & Co., for publishing advertisements for various State officers in the years one thousand eight hundred and fifty-five and one thousand eight hundred and fifty-six, and report a bill to audit and allow said claim, and recommend its passage.

B. T. BRADLEY, For Committee.

Placed on file.

Mr. Dent, Chairman of Committee on Engrossment, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 118, An Act to amend an Act entitled "An Act for the Relief of Insolvent Debtors and Protection of Creditors," approved May fourth, one thousand eight hundred and fifty-two;

Also, Senate Bill, No. 270, An Act to authorize certain Parties therein named to Construct a Dam across the Guadalupe River, in Santa Clara

County;

And find the same correctly engrossed.

G. W. DENT, Chairman.

Report accepted.

Mr. Ballou presented a petition from citizens of Plumas County, praying for the repeal of the present Attachment Law.

Placed on file.

Mr. O'Farrell, made the following report:

Mr. President:—The delegation to whom was referred Assembly Bill, No. 373, An Act to authorize the Tax Collector of Mendocino County to receive County Warrants issued after the date of the approval of this act in Payment of County Taxes, have had the same under consideration, and

recommend its passage;
Also, Assembly Bill, No. 395, An Act to authorize and require the Tax Collector of the County of Marin to receive Warrants and Scrip issued for County Indebtedness of said County in Payment for Taxes levied for County Purposes, have had the same under consideration, and recommend its passage.

O'FARRELL,

Of the Eleventh District.

Placed on file.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 5, 1860.

Mr. PRESIDENT:-The Assembly on the third instant, passed Assembly Bill, No. 409, An Act to authorize A. W. McPherson, and those whom he may associate with him, to construct Wharfs and place Moorings in certain Rivers in this State;

Also, Assembly Bill, No. 270, An Act to fix the Compensation and Mileage of Treasurers in the Counties of Santa Clara, San Joaquin, Napa, and Sonoma, and to Regulate the time of Settlement by them with the Con-

troller and Treasurer of State.

R. K. WESTON,

Ass't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 409, An Act to authorize A. W. McPherson, and those whom he may associate with him, to construct Wharfs and place Moorings in certain Rivers in this State-was read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 270, An Act for the Compensation and Mileage of

Treasurers in the Counties of Santa Clara, San Joaquin, Napa, and Sonoma, and Regulate the time of Settlement by them with the Controller and Treasurer of State—was read first and second times, and referred to the delegations of the counties therein named.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 7, 1860.

Mr. President:—The Assembly on the fourth instant, passed substitute for Assembly Bill, No. 333, An Act to Appropriate Money for the Pay-

ment of small Accounts due from the Insane Asylum;

Also, Assembly Bill, No. 394, An Act to amend "An Act creating a Board of Commissioners, and the office of Overseers in each Township of the several Counties of this State, to Regulate Water Courses within their respective limits," passed May fifteenth, one thousand eight hundred and fifty-four;

Also, on the fifth instant, passed Assembly Bill, No. 422, An Act to amend "An Act to alter and define the Boundary Line of Tehama County," approved April nineteenth, one thousand eight hundred and fifty-

nine;

Also, on yesterday, passed Senate Bill, No. 249, An Act to Provide for

Preparing a Catalogue of the State Library;

Also, Senate Bill, No. 268, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act declaring certain Rivers and Creeks Navigable," passed February eighteenth, one thousand eight hundred and fifty-one, and to amend an Act amendatory thereto, passed May seventeenth, one thousand eight hundred and fifty-three, passed May fifteenth, one thousand eight hundred and fifty-four;

Also, Senate Bill, No. 229, An Act to authorize the Sale of certain Real

Estate by Guardians;

Also, Senate Bill, No. 252, An Act to fix the Compensation of the County Judge of Tulare County;

Also, Assembly Bill, No. 383, An Act concerning the Salary of the

Judge of the Twelfth District Court;

Also, Assembly Bill, No. 208, An Act authorizing Gabriel Allen, John S. Griffin, James B. Winston, and J. C. Welch, to Build and Construct a Turnpike Road from the Ex-Mission of San Fernando, across the Mountain of San Fernando to the Arroyo de Santa Clara, in Los Angeles County;

Also, concurred in Senate amendments to Assembly Bill, No. 14, An Act to pay Mary Harrison, for Services rendered at the State Insane

Asylum;

Also, indefinitely postponed Senate Bill, No. 120, An Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to Provide for the Support of the Government of this State," approved May fifteenth, one thousand eight hundred and fifty-four, approved April twenty-seventh, one thousand eight hundred and fifty-five.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 333, An Act to Appropriate Money for the Payment

of small Accounts, due from the Insane Asylum-was read first and second times.

On motion of Mr. Dent, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Assembly Bill, No. 394, An Act to amend "An Act creating a Board of Commissioners, and the office of Overseers, in each Township of the several Counties of this State, to Regulate Water Courses within their respective limits," passed May fifteenth, one thousand eight hundred and fifty-four—was read first and second times, and referred to the Committee on Agriculture.

Assembly Bill, No. 422, An Act to amend "An Act to alter and define the Boundary Line, of Tchama County," approved April nineteenth, one thousand eight hundred and fifty-nine—was read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly Bill, No. 383, An Act concerning the Salary of the Judge of the Twelfth District Court—was read first and second times, and referred

to the Judiciary Committee.

Assembly Bill, No. 208, An Act authorizing Gabriel Allen, John S. Griffin, James B. Winston, and J. C. Welch, to build and construct a Turnpike Road from the Ex-Mission of San Fernando, across the Mountain of San Fernando, to the Arroyo de Santa Clara, in Los Angeles County—was read first and second times, and referred to the Committee on Corporations.

Mr. Anderson moved to reconsider the vote taken on yesterday, whereby Senate Bill, No. 196, An Act to Appropriate Money for the Relief of Destitute Females in San Francisco, was indefinitely postponed.

Pending which, Mr. Anderson moved a call of the Senate.

Carried.
Roll called.

Absent-Messrs. Bradley, Parks, and Wheeler.

On motion of Mr. Leet, further proceedings under the call were dispensed with.

The question being on reconsidering the vote.

On motion of Mr. Leet, it was made the Special Order for Tuesday, April tenth, at thirty minutes past eleven, A. M.

INTRODUCTION OF BILLS

Mr. Cark, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the Incorporation of Railroad Companies," 'passed April tenth, one thousand eight hundred and fifty-five.

Read first and second times, and referred to the Committee on Corpo-

rations.

Mr. Eagon, by leave, introduced a bill for an act entitled An Act to confer further Powers upon the Board of Supervisors of Amador County.

Read first and second times, and on motion of Mr. Eagon, the rules were suspended, the bill considered engrossed, read a third time and passed.

Mr. Titus, by leave, introduced a bill for an act entitled An Act to Reg-

ulate the Fees of the Clerk of the Supreme Court.

Read first and second times, and referred to the Committee on Public Expenditures.

GENERAL FILE.

Assembly Bill, No. 361, An Act to amend an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and other acts amendatory thereto—was considered in Committee of the Whole, and amended.

IN SENATE.

Senate refused to concur in amendments, made in Committee of the Whole.

Mr. Kirkpatrick, moved to make it the Special Order for Wednesday,

April eleventh, at thirty minutes past eleven, A. M.

Upon which the ayes and noes were demanded by Messrs. Kirkpatrick, McDonald, and Merritt, and taken with the following result: Ayes, 7—noes, 12:

AYES—Messrs. Chase, De la Guerra, Dickinson, Kirkpatrick, McDonald, O'Farrell, and Pico—7.

Noes-Messrs. Anderson, Bradley, Clark, Denver, Haynes, Lansing, Leet, Logan, Merritt, Redman, Titus, and Vance-12.

So the motion was lost.

The bill was then read a third time, and on its passage, the ayes and noes were demanded by Messrs. Denver, Lansing, and Redman, and taken with the following result: Ayes, 16—noes, 3:

AYES—Messrs. Anderson, Bradley, Clark, Chase, De la Guerra, Denver, Dickinson, Haynes, Lansing, Leet, Logan, Merritt, Pico, Titus, Vance, and Watson—16.

Noes-Messrs. McDonald, O'Farrell, and Redman-3.

So the bill passed.

Mr. Chase gave notice that he would move for a reconsideration of the vote just taken, on Monday next.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, April 7, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have approved Senate Bill, No. 193, An Act to authorize the Collection of State and County Taxes, in the County of Mariposa;

Also, Senate Bill, No. 47, An Act amendatory of an Act entitled "An Act to authorize the Treasurer of the City and County of San Francisco, to execute certain Deeds, and Cancel certain Claims," approved April twenty-sixth, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 237, An Act authorizing the President of the Board of Supervisors, the Auditor, and the Treasurer of the City and County of San Francisco, to Provide for the Actual and Prospective De-

ficiency, in the Corporation Debt Fund, of said city and county, for the Fiscal Year, one thousand eight hundred and fifty-nine, and one thousand

eight hundred and sixty;
Also, Senate Bill, No. 226, An Act to authorize the American River Water and Mining Company, to extend their Works to or near the City of Sacramento, for the purpose of supplying the Inhabitants thereof, with pure fresh Water, for drinking and other domestic uses;

Also, Senate Bill, No. 259, An Act for the Survey of Logs in the Coun-

tv of Humboldt:

Also, Senate Bill, No. 240, An Act to authorize Jeremiah V. Hollinsead, to convey certain Real Estate:

Also, Senate Bill, No. 263, An Act to Change the Name of Jeremiah

Gove Baker, to Henry Tiffany Baker;

Also, Senate Bill, No. 265, An Act Legalizing the Assessment Roll in and for the County of Plumas, in the year one thousand eight hundred and fifty-nine:

Also, Senate Bill, No. 149, An Act to authorize the Board of Supervisors of San Joaquin County, to Levy a Special Tax, for the purpose of

assisting the San Joaquin Valley District Agricultural Society;

Also, Senate Concurrent Resolution, No. 44, requesting our delegation in Congress, to procure the passage of an Act by Congress, providing for the floating of the Sixteenth and Thirty-Sixth Sections of Land donated to the State of California, for the Support of Common Schools, and providing for the selection of two additional Sections, for each and every Congressional Township in the State, covered by Mineral Lands;

Also, Concurrent Resolution, No. 47, Relative to the establishment of a

certain Mail Route, in the Northern portion of this State;

Also, Senate Concurrent Resolution, No. 46, granting Leave of Absence from this State, to Hon. Charles Lindley, County Judge of Yuba County, for the period of four months, at such time as he may select during his present term of office;

Also, Senate Concurrent Resolution, No. 50, Instructing our Senators and requesting our Representatives to procure the establishment of a new Land District, in the Northern part of the Sacramento Valley, the office for which to be located at the Town of Red Bluff;

Also, Senate Bill, No. 95, An Act for Opening and Repairing Roads in

the Counties of Sutter and Santa Cruz;

Also, Senate Bill, No. 251, An Act granting further Powers to the Board of Supervisors, the Auditor and Treasurer, of the City and County of San Francisco;

Also, Senate Bill, No. 143, An Act for the Relief of George W. Manchester, Administrator upon the Estate of Thomas Manchester, deceased.

JOHN G. DOWNEY,

Governor.

On motion of Mr. Merritt, Assembly Bill, No. 257, An Act to Regulate the Fees of the County Clerks of Los Angeles, and San Diego Counties -was taken from file, considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in, bill read a third time and passed. Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee on Enrolled Bills, have examined and

found correctly enrolled, Senate Bill, No. 262, An Act amending an Act entitled "An 'Act to Incorporate the Town of Auburn," and have this day taken the same to the Governor.

A. St. C. DENVER,

Chairman.

Report accepted.

On motion of Mr. Chase, the Senate adjourned.

C. J. LANSING,

President pro tem. of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Monday, April 9, 1860.

Senate met pursuant to adjournment. President pro tem. in the Chair. Roll called. Journals of Saturday read and approved.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber,
April 7, 1860

Mr. President:—The Assembly, on the fifth instant, passed Assembly Bill, No. 282, An Act to amend an Act passed May four, one thousand eight hundred and fifty-two, entitled "An Act for the Relief of Insolvent Debtors and Protection of Creditors;"

Also, Assembly Bill, No. 327, An Act amendatory of "An Act Defining the Legal Distances from each County Seat to the Capital, Lunatic Asylum, and State Prison," approved April twenty-four, one thousand eight hundred and fifty-eight:

Also, Assembly Bill, No. 338, An Act to Incorporate the City of Santa

Barbara;

Also, on the fourth instant, Assembly Bill, No. 416, An Act to Authorize the County of Nevada to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, and less the State's portion of the Foreign Miners' License Tax, which shall be collected in the said County for the year one thousand eight hundred and sixty, and for the year one thousand eight hundred and sixty-one, to be applied to the Construction and Improvement of a certain Wagon Road over the Sierra Nevada.

R. K. WESTON.

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 282, An Act to amend an Act, passed May four, one thousand eight hundred and fifty-two, entitled "An Act for the Relief of Insolvent Debtors and Protection of Creditors"—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill. No. 327, An Act amendatory of "An Act Defining the Legal Distances from each County Seat to the Capital, Lunatic Asylum, and State Prison," approved April twenty-four, one thousand eight hundred and fifty-eight—was read first and second times, and referred to the Committee on State Hospitals.

Assembly Bill, No. 338, An Act to Incorporate the City of Santa Barbara—was read first and second times, and referred to the Senator from

Santa Barbara County.

Assembly Bill, No. 416, An Act to Authorize the County of Nevada to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund, and the State's portion of the Foreign Miners' License Tax, which shall be collected in the said County for the year one thousand eight hundred and sixty, and the year one thousand eight hundred and sixty-one, to be applied to the Construction and Improvement of a certain Wagon Road over the Sierra Nevada—was read first and second times, and referred to the delegation from Nevada County.

REPORTS.

Mr. McDonald made the following report:

Mr. President:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 221, An Act to Provide for the Payment of certain Claims against the City of Sacramento by a Duplicate Issue of certain Bonds of said City, have considered the same, and recommend its passage.

McDONALD,

For the Delegation.

Placed on file.

On motion of Mr. McDonald, the rules were suspended, and the bill just reported taken up, read a third time, and passed.

Mr. O'Farrell made the following report:

Mr. President:—The delegations from Santa Clara, San Joaquin, and Sonoma, to whom was referred Assembly Bill, No. 270. An Act to Fix the Compensation and Mileage of Treasurers, etc. and to Regulate the Time of Settlement by them with the Controller and Treasurer of State, have had the same under consideration, and report it back without amendment, and recommend its passage.

JASPER O'FARRELL, G. W. DENT.

Placed on file.

Mr. Denver, Chairman of Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee on Enrolled Bills, have examined, and found correctly enrolled, Senate Bill, No. 194, An Act to Appropriate Money for the purchase of a Dairy for the State Insare Asylum;

Also, Senate Bill, No. 69, An Act to amend an Act entitled "An Act to Provide for the Issuance of Patents to Lands located with State School Land Warrants, and for Lands purchased under the Act of April twenty-third, one thousand eight hundred and fifty-eight," approved April sixteen, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 264, An Act to declare certain Streams and

Sloughs Navigable, in Humboldt County;

Also, Senate Bill, No. 174, An Act to Authorize the State Treasurer to Receive and Cancel certain Evidences of Indebtedness;

Also, Senate Bill, No. 180, An Act to Provide for the Proper Registration and Canceling of the Évidences of Indebtedness paid prior to the term of the present State Treasurer; and have taken the same to the Governor.

A. St. C. DENVER,

Chairman.

Report accepted.

INTRODUCTION OF BILLS.

Mr. Merritt, by leave, introduced a bill for an act entitled An Act to fix the Compensation of the District Attorney of Tulare County.

Read first and second times.

On motion of Mr. Merritt, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Merritt, the rules were further suspended, the bill

considered engrossed, read a third time, and passed.

Mr. Anderson, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and other acts amendatory thereto.

Read first and second times.

On motion of Mr. Anderson, the rules were suspended, the bill considered engrossed, read a third time, and passed.

SPECIAL ORDER.

Assembly Concurrent Resolution, No. 18, Relative to the Segregation of the Southern portion of the State-was taken up.

On motion of Mr. Pico, it was made the special order for to-morrow, at

thirty minutes past eleven, A. M.

Mr. McDonald, by leave, introduced a bill for an act entitled An Act to prevent the tortious taking, removal, or conversion, of Logs, suitable to be cut or sawed in Lumber, while being driven upon the River, Streams, and other Waters, or while being or lying upon the Lands adjacent thereto, previous to being driven to some Saw-Mill or place of manufacture, etc.

Read first and second times, and referred to the Senator from Humboldt County.

Mr. Leet offered a Concurrent Resolution, Relative to the War Debt.

Adopted.

Mr. Chase gave notice that during the week, he would introduce a bill to authorize the Board of Supervisors of Nevada County to subscribe for Stock to the amount of Two Hundred Thousand Dollars to aid in Constructing a Railroad from Auburn to Nevada City and to submit such proposition to the Electors of Nevada County at a special election.

REPORTS.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. PRESIDENT:-The Committee on Engrossed Bills have examined 39sen

Senate Bill, No. 147, Substitute for Assembly Bill, No. 147, An Act to amend an Act entitled "An Act to Incorporate the City of Placerville," approved March seventh, one thousand eight hundred and fifty-nine, and find the same correctly engrossed.

G. W. DENT,

Chairman.

Report accepted.

Mr. Titus, Chairman of the Committee on State Hospitals, made the following report:

Mr. PRESIDENT:-The Committee on State Hospitals, to whom was referred Assembly Bill, No. 114, An Act to repeal "An Act providing for the Registration of Marriages, Births, Divorces, and Deaths, in California," approved April twenty-sixth, one thousand eight hundred and

fifty-eight:

Also, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Registration of Marriages, Births, Divorces, and Deaths, in California," approved March twelfth, one thousand eight hundred and fifty-nine, have had the same under consideration, and respectfully report it back, recommending its passage.

J. S. TITUS.

Chairman.

Placed on file.

Mr. O'Farrell moved to reconsider the vote whereby Assembly Bill, No. 257, An Act to Regulate the Fees of the County Clerk of Los Angeles and San Diego Counties, was passed on Saturday.

Upon which the ayes and noes were demanded, by Messrs. O'Farrell, Leet, and McDonald, and taken with the following result: Ayes, 8-noes, 11:

AYES-Messrs. Clark, Dickinson, Leet, Logan, McDonald, O'Farrell, Ryan, and Wheeler-8.

Noes-Messrs. Anderson, Bradley, Ballou, Dent, Franklin, Haynes,

Kirkpatrick, Lansing, Merritt, Pico, and Titus-11.

So the motion was lost.

GENERAL FILE.

Assembly Bill, No. 223, An Act to amend an Act entitled "An Act to Regulate the Estates of Deceased Persons," approved May first, one thousand eight hundred and fifty-one-was considered in Committee of the Whole.

IN SUNATE.

Read a third time and passed.

Assembly Bill, No. 207, An Act amendatory of an Act entitled "An Act to provide for the Appointment and prescribe the Duties of Guardians," passed April nineteenth, one thousand eight hundred and fifty-was considered in Committee of the Whole.

IN SENATE.

Read a third time and passed.

Substitute for Assembly Bills, No. 49 and 88, An Act to provide for the Publication of the General Laws of this State in force at the expiration of the Eleventh Session of the Legislature-was, on motion of Mr. Anderson, made the special order for Friday, April thirteenth, at thirty

minutes past eleven, A. M.

Assembly Bill, No. 57, An Act to prohibit the Sale and Disposal of Adulterated Spiritons or Alcoholic Liquors, Wines, or Cider—was considered in Committee of the Whole.

IN SENATE.

Read a third time and passed.

Senate Bill, No. 212, An Act to fix the Compensation of the County

Treasurer of Napa County-was laid on the table.

Senate Bill, No. 205, An Act to make Valid and Effectual Conveyances of Real Estate executed by a person or persons as Attorney or Attorneys in fact of a Husband and Wife—was indefinitely postponed.

Senate Bill, No. 204, An Act to Incorporate the San Joaquin Valley

Agricultural Society—was indefinitely postponed.

Senate Bill, No. 125, An Act enabling Purchasers of Real Property to obtain Possession of Land sold on Execution—was indefinitely postponed. Senate Bill, No. 26, An Act to Provide for the Report and Publication of the Decisions of the Supreme Court—was indefinitely postponed.

Senate Bill, No. 206, An Act to Provide for the Codification of the Laws

of this State-was indefinitely postponed.

Assembly Bill, No. 258, An Act to Provide for a Convention to Revise

and Change the Constitution of this State.

On motion of Mr. Redman, was made the special order for Thursday,

April twelve, at half past eleven, A. M.

Assembly Bill, No. 357, An Act to Authorize the Guardians of certain Minors to Sell their Real Estate—was considered in Committee of the Whole.

IN SENATE.

Read a third time and passed.

Senate Bill, No. 223, An Act for the Relief of the Heirs of P. Maurin,

deceased-was placed at the foot of the file.

Senate Bill, No. 241, An Act to Provide for the Location of the County Seat of Yolo County—was considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, bill ordered engrossed, and read a third time.

Senate Bill, No. 253, An Act to Define the Time for Commencing Civil Actions in certain Cases—was laid on the table.

Assembly Bill, No. 261, An Act to enable a Minor, therein named, to partition or Sell Real Estate—was placed at the foot of the file.

Senate Bill, No. 151, An Act to Provide for the Payment of a Digest of the Decisions of the Supreme Court, and for the Distribution of the same.

On motion of Mr. Merritt, was make the special order for Friday, April thirteen, at half past eleven, A. M.

REPORTS.

Mr. Bradley, of Committee on Claims, made the following report:

Mr. President:—Your Committee on Claims, to whom was referred Senate Bill, No. 164, An Act amendatory of an Act entitled "An Act

Authorizing the Treasurer of the State to Issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State," approved April twenty-five, one thousand eight hundred and fifty-seven, and an Act amendatory, approved April seventeen, one thousand eight hundred and fifty-nine," have had the same under consideration, and herewith return the same with a substitute, and a majority of the Committee recommend the passage of the substitute.

B. T. BRADLEY,

For the Committee.

Placed on file.

Mr. Clark of the Sacramento Delegation, made the following report:

Mr. President:—The Sacramento Delegation, to whom was referred Senate Bill, No. 271, An Act authorizing the Board of Supervisors of the City and County of Sacramento to Levy a Special Tax, have had the same under consideration, and report the same back with certain amendments, and when amended, recommend its adoption.

CLARK, McDONALD.

Placed on file.

Amend by filling the blank in the last line of the second page, with the word "twenty," and the blank in the third line of the third page, with the word "ten."

On motion of Mr. Clark, the rules were suspended, the bill just reported taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Dickinson, the rules were further suspended, the bill considered engrossed, read a third time, and passed.

Mr. Anderson moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Dickinson, Redman, and Chase, and taken with the following result: Ayes, 11—noes, 14:

AYES—Messrs. Anderson, Bradley, Ballou, De la Guerra, Eagon, Franklin, Lansing, Merritt, O'Farrell, Pico, and Wheeler—11.

Noes-Messrs. Clark, Chase, Dent, Denver, Dickinson, Haynes, Kirkpatrick, Leet, Logan, McDonald, Parks, Redman, Ryan, and Titus-14.

So the motion was lost.

Mr. Chase, of the Nevada Delegation, made the following report:

Mr. President:—The Nevada Delegation to whom was referred Assembly Bill, No. 416, have had the same under consideration, and report it back—Mr. Lansing without recommendation, and Mr. Chase recommending the passage of the bill.

S. H. CHASE, C. J. LANSING.

Placed on file.

Mr. Redman moved to suspend the rules, and consider the bill just reported, now.

Lost.

Mr. Chase moved to take from the file Senate Bill, No. 89, An Act to

Create the Office of State Geologist and define the Duties thereof, and place it at the foot of the file.

Lost.

GENERAL FILE RESUMED.

Assembly Bill, No. 260, An Act supplementary to "An Act concerning Crimes and Punishments," which took effect May six, one thousand eight hundred and fifty—was indefinitely postponed.

Senate Bill, No. 231, An Act concerning Official Bonds of Sheriffs and

Coroners—was indefinitely postponed.
Senate Bill, No. 242, An Act to Authorize and Direct the Treasurer of the State of California to Pay over to F. J. Thibault certain Audited Claims, was considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in. On motion of Mr. Chase, the bill was laid on the table.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 9, 1860.

Mr. President:-The Assembly on the seventh instant, passed Senate Bill, No. 244, An Act for the Education and Care of the Indigent Deaf,

Dumb, and Blind in the State of California;

Also, Senate Bill, No. 246, An Act making an Appropriation for Deficiency in the Appropriation made for Salary of Controller of State for the Eleventh Fiscal Year ending June thirty, one thousand eight hundred and sixty;

Also, Senate Bill, No. 217, An Act to Regulate the Compensation of the

County Surveyors of Napa and Sonoma Counties;

Also, on the sixth, passed Assembly Bill, No. 364, An Act to Exempt certain classes of Persons from Paying Tolls on Bridges, Roads, and Ferries, in this State;

Also. Assembly Bill, No. 430, An Act to amend an Act entitled "An Act to Fix the Compensation of certain Officers in the Counties of San Joaquin and Alameda," approved April six, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 429, An Act making Appropriation for Deficiency in Appropriation made for Clerk Ilire in the Attorney-General's Office for the Eleventh Fiscal Year.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 364, An Act to exempt certain classes of Persons from Paying Tolls on Bridges, Roads, and Ferries, in this State-was read first and second times, and referred to the Committee on Roads and Highways.

Assembly Bill, No. 430, An Act to amend an Act entitled "An Act to Fix the Compensation of certain Officers in the counties of San Joaquin and Alameda," approved April six, one thousand eight hundred and fiftyeight-was read first and second times, and referred to the Senator from

San Joaquin County.

Assembly Bill, No. 429, An Act making an Appropriation for Deficiency in Appropriation made for Clerk Hire in the Attorney-General's Office for the Eleventh Fiscal Year—was read first and second times.

On motion of Mr. Dent, the rules were suspended, and the bill con-

sidered in Committee of the Whole.

IN SENATE.

Read a third time and passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 9, 1860.

Mr. President:—The Assembly have this day passed Senate Bill, No. 103, An Act for the erection of a Building for a State Reform School, and for the Regulation of the same, with amendments.

R. K. WESTON,

Assistant Clerk of Assembly.

Assembly amendments to Senate Bill, No. 103, were concurred in.

Mr. Titus moved that the Senate do now adjourn.

Upon which the ayes and noes were taken with the following result: Ayes, 12-noes, 10:

AYES-Messrs. Anderson, Bradley, Ballou, Chase, Denver, Franklin, Haynes, Kirkpatrick, Parks, Pico, Titus, and Wheeler-12.

Noes-Messrs. Clark, De la Guerra, Dent, Dickinson, Lect, Logan, Mc-Donald, O'Farrell, Redman, and Watson-10.

So the Senate adjourned.

I. N. QUINNA

President of the Senate.

Attest: J. R. BEARD, Secretary of Senate.

IN SENATE.

SENATE CHAMBER,

Tuesday, April 10, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of vesterday read and approved.

REPORTS.

Mr. Redman, Chairman of the Committee on Education, made the following report:

Mr. President:—Your Committee on Education, to whom was referred Assembly Bill, No. 233, An Act amendatory of, and supplementary to, "An Act to Establish, Support, and Regulate, Common Schools and to repeal former Acts concerning the same," approved May third, one thousand eight hundred and fifty-five, have had the same under consideration, and report it back with an amendment, and recommend its passage as amended.

Amend the bill by striking out the ninth section.

R. A. REDMAN,

Chairman.

Placed on file.

Mr. Bradley, of Committee on Claims, made the following report:

Mr. President:—The Committee on Claims have examined Assembly Bill, No. 181, An Act to audit and allow the Claim of B. F. Hastings, and recommend its passage;

Also, Senate Bill, No. 269, An Act to audit and allow the Claim of William Duer or his Assigns, and recommend its passage, with the fol-

lowing amendment:

In section first strike out the words "two thousand six hundred and forty," and insert the words "one thousand and ninety-four and twentyfive one-hundredths;"

Also, Assembly Bill, No. 326, An Act for the Relief of Peter H. Bur-

nett, and recommend its passage;

Also, Assembly Bill, No. 178, An Act to Compensate William Greenhood for Translating certain Laws and Resolutions of the Tenth Session in the Spanish Language, and recommend its passage;

Also, the Claim of J. H. Udell for Printing in one thousand eight hundred and fifty-five, and recommend its rejection, there being no proof that the work was ordered by any one having authority so to do;

Also, the Claim of William A. Cornwall for Copying Laws, etc. in one

thousand eight hundred and fifty-five.

This Claim was rejected by the Senate at its seventh session. The Committee on Claims, to whom it was referred, gave it a thorough examination, and made a strong report, recommending its rejection. (See Senate Journals, Seventh Session, page 183).

Your Committee can see no valid reason for a different conclusion, and

therefore recommend that it be rejected;

Also, the claim of J. P. A. Chandler for furniture supplied the State House at Vallejo in one thousand eight hundred and fifty-one, and recommend its rejection;
Also, the Claim of Henry M. Stowe, Assignee of Julius Schultz.

This is a claim for a balance (one hundred and fifty-four dollars) due for translating the Governor's Message, in one thousand eight hundred and fifty-one, into the German Language. The price agreed to be paid was one dollar per folio, and the amount of work claimed to have been done was four hundred and eighty-four folios. The Assembly, assuming the account to be correct, paid its proportion on the charge-two hundred and forty-two dollars. A resolution to pay the like amount from the Contingent Fund of the Senate was introduced into that body, and referred to the Committee on Accounts and Expenditures. (See Senate Journal, Tenth Session, page 393). That committee reported that the work done amounted to only three hundred and thirty folios, (see page 443), and on their recommendation, a resolution was adopted allowing Mr. Schultz eighty-eight dollars, a sum sufficient with the two hundred and forty-two

dollars, allowed by the Assembly, to pay for three hundred and thirty folios, at one dollar per folio.

Your committee think that the action in the Senate was entirely cor-

rect, and that every dollar justly due in this case has been paid.

The Board of Examiners passed upon this claim, and being particularly solicitous that "the stain of repudiation should not be fastened upon the fair escutcheon of the higher branch of the Legislature," recommended an "immediate" appropriation for its payment. Your committee are of the opinion that the Board jumped to a conclusion in this instance, and that had they investigated the claim with that zealous care usually displayed by them, the phantom of repudiation, which appeared to their disordered vision, would have vanished into air, and that their recommendation would have been, as is most emphatically that of your committee, an "immediate" rejection of the claim.

· BRADLEY,
Of Committee.

Placed on file.

Mr. Titus, Chairman of Senate Committee of Free Conference, made the following report:

Mr. President:—Your Committee of Free Conference, on the disagreeing votes of Senate and Assembly, in the concurrence to Assembly amendments on Senate Bill, No. 5. An Act to authorize the Establishment of County Infirmaries for the Relief of the Indigent, and to amend an Act entitled "An Act to provide for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty five, have had the same under consideration, and beg leave to make the following recommendations:

First-That the Senate concur in the amendments proposed in the

Assembly, to sections twenty, twenty-one, and twenty-two.

Second—The Senate concur in all other amendments of the Assembly, excepting the names of El Dorado, Butte, and San Joaquin, in the twenty-eighth section.

All of which is respectfully submitted.

J. S. TITUS,

Ch'n Senate Committee. FRED. A. SAWYER,

Adopted. Ch'n Assembly Committee.

The amendments of Assembly, as recommended by the committee, were concurred in.

Mr. Phelps, Chairman of Committee on Roads and Highways, made the following report:

Mr. President:—Your Committee on Roads and Highways, to whom was referred Assembly Bill, No. 364, An Act to Exempt certain classes of Persons from Paying Tolls on Bridges, Roads, and Ferries, in this State, have had the same under consideration, and report the bill back with an amendment, and recommend its passage as amended.

Amend section two, after the word "act," third line, by inserting "in having charged and collected toll from any person of either of the classes named in said section, knowing, or having good reason to suppose, such

person was exempt therefrom, as provided in said section."

PHELPS, Chairman.

Placed on file.

Mr. Dent made a verbal report, recommending the passage of Assembly Bill, No. 430, An Act to amend an Act entitled "An Act to fix the Compensation of certain Officers in the Counties of San Joaquin and Alameda," approved April sixth, one thousand eight hundred and fifty-eight.

Bill placed on file.

Mr. McDonald, of Sacramento Delegation, made the following report:

Mr. President:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 238, An Act to authorize the Board of Supervisors of the City and County of Sacramento to allow and the Auditor to audit a Claim of Thomas C. Faris, have considered the same, and report it back with an amendment, and recommend it pass as amended.

McDONALD. CLARK.

Placed on file.

On motion of Mr. McDonald, the rules were suspended, the bill considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, the bill read a third time, and passed.

INTRODUCTION OF BILLS.

Mr. Parker, by leave, introduced a bill for an Act entitled An Act to authorize the Administrator of the Estate of Albert Wardwell, Deceased, to sell the Real Estate of said Deceased at Public or Private sale.

Read first and second times.

On motion of Mr. Parker, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Bill ordered engrossed, and read a third time.

Mr. Clark, by leave, introduced a bill for an act entitled An Act granting to C. C. Hayden and others the right of laying a Railway Track in certain Streets in the City of Sacramento.

Read first and second times, and referred to the Sacramento Delegation. Mr. O'Farrell, by leave, introduced a bill for an act entitled An Act to grant the right of way, and to authorize the Parties therein named to lay down and maintain a Railway Track within the Limits of the City and County of San Francisco, and to run Cars thereon.

Read first and second times, and referred to the San Francisco Delega-

tion.

Mr. Peachy, by leave, introduced a bill for an act entitled An Act in addition to "An Act for the Relief of Insolvent Debtors and the Protection of Creditors," passed May fourth, one thousand eight hundred and fifty-two, and to amend the same.

Read first and second times, and referred to the Committee on Judi-

ciary, and the usual number of copies ordered printed.

SPECIAL ORDER.

Senate Bill, No. 245, An Act to provide for Funding the unpaid Interest on the War Debt-was considered in Committee of the Whole.

IN SENATE.

The question being on ordering the bill engrossed, the ayes and noes

were demanded, by Messrs. Bradley, Ryan, and Leet.

Pending which, the hour arrived for the consideration of the General File, and the further consideration of the bill was postponed until two o'clock, P. M.

GENERAL FILE.

Senate Bill. No. 218, An Act to amend an Act entitled "An Act concerning Forcible Entries and Unlawful Detainers," passed April twenty-second, one thousand eight hundred and fifty-eight—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Sharp, the bill was placed at the foot of the file. Senate Bill, No. 11, An Act to appropriate Money for the Payment of certain Claims—was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in, bill ordered engrossed, and read a third time.

Senate Bill, No. 179, An Act to audit the Claim of William D. Kirk-

was indefinitely postponed.

Assembly Bill, No. 228, An Act fixing the Salary of the Register of the State Land Office—was considered in Committee of the Whole and amended.

IN SENATE.

On motion of Mr. O'Farrell, the bill was indefinitely postponed.

Mr. Titus gave notice that he would on to-morrow, move for a recon-

sideration of the vote just taken.

Senate Bill, No. 247, An Act authorizing the Board of Directors of the State Library to Purchase certain Newspaper Files, and to provide for the payment of the same—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Phelps, the rules were suspended, the bill considered

engrossed, and read a third time.

On its passage, the ayes and noes were demanded, by Messrs. Bradley, Ballou, and Eagon, and taken with the following result: Ayes, 17—noes, 8:

AYES—Messrs. Anderson, Ballou, Clark, Chase, Crittenden, Dent, Kirkpatrick, Leet, Logan, McDonald, Parker, Peachy, Phelps, Quinn, Sharp, Titus, and Vance—17.

Noes-Messrs. Bradley, Denver, Eagon, Haynes, O'Farrell, Parks, Red-

man, and Watkins-8.

So the bill passed.

REPORTS.

Mr. Anderson, Chairman of the Committee on Corporations, made the following report:

Mr. President:—The Committee on Corporations have had under consideration Assembly Bill, No. 192, An Act to provide for the Construction

of a Railroad from a point on Petaluma Creek into the City of Petaluma, and for the right of way of the same, and herewith return the same, with the annexed amendments, and recommend that the bill be passed when so amended:

Amend section one, by striking out the "proviso," and inserting the following: "provided, the said grantees shall within one year after the passage of this act expend in cash in the actual construction of said road an amount equal to or more than twenty-five thousand dollars, and shall within two years after the passage of this act construct and complete in a substantial manner, as provided under the general laws of this State, relative to the construction of railroads, and put in operation said railroad from the point of commencement, on Petaluma Creek, into the town of Petaluma."

Amend section three, by adding thereto the following:

Provided, always, that said road shall not be constructed through or over any street within the limits of the town or city of Petaluma, unless the said Nouges, his associates, or their assigns, shall first obtain the right so to do from the corporate authorities of said town or city.

Amend the bill by adding the following:

Sec. 4. This act shall take effect and be in force from and after its passage.

ANDERSON. Chairman.

Placed on file.

Mr. Sharp, Chairman of the Committee on Public Expenditures, made the following report:

Purpose.	Folios.	Per Folio.	Amount.
JournalFor Printer.	1	15 ets.	\$111 90 74 60
Statistics and Statements	1,350	15	202 50
For Printer	1,350	10	135 00
Totals	4,192		\$524 00

Examined, audited and allowed.

SOL. A. SHARP, Chairman.

Adopted.

Mr. Denver, Chairman of the Enrolling Committee, made the following report:

Mr. President:—The Committee on Enrolled Bills, have examined and found correctly enrolled, Senate Bill, No. 210, An Act to Define and Establish a portion of the Eastern Boundary of the State of California;

Also, Senate Bill, No. 249, An Act to provide for preparing a Catalogue

of the State Library;
Also, Senate Bill, No. 268, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act declaring certain Rivers Navigable," ' passed February eighteenth, one thousand eight hundred and fifty-one, and to amend an Act amendatory thereto, passed May seventeenth, one

thousand eight hundred and fifty-eight, passed May fifteenth, one thousand eight hundred and fifty-four;

Also, Senate Bill, No. 229, An Act to authorize the Sale of certain Real

Estate, by Guardians;

Also, Senate Bill, No. 252, An Act to fix the Compensation of the County Judge of Tulare County, and have taken the same to the Governor.

A. St. C. DANVER, Chairman.

Report accepted.

Mr. Bradley presented the following resolution:

Resolved, That the Controller of State be, and he is hereby, directed to draw his warrant on the Treasurer, for the sum of Seventy-Five Dollars, payable out of the Contingent Fund of the Senate, to pay Z. L. Garwood, for three months' rent of room for Committee on Claims.

Adopted.

On motion of Mr. Anderson, the vote whereby Senate Bill, No. 196, An Act to Appropriate Money for the Relief of Destitute Females in San Francisco, was indefinitely postponed, was reconsidered, and the bill was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Sharp, the rules were suspended, the bill considered

engrossed, read a third time.

On its passage the ayes and noes were demanded by Messrs. Parks, Phelps, and Dickinson, and taken with the following result: Ayes, 23—noes, 4:

AYES—Messrs. Anderson, Bradley, Ballou, Clark, Crittenden, De la Guerra, Denver, Eagon, Haynes, Lansing, Logan, McDonald, O'Farrell, Parker, Peachy, Phelps, Pico, Redman, Ryan, Sharp, Vance, Watkins, and Wheeler—23.

Noes-Messrs. Dickinson, Franklin, Parks, and Titus-4.

So the bill passed.

On motion of Mr. Sharp, the title was amended, by striking out "San Francisco," and inserting, "State of California," and the bill was then transmitted to the Assembly.

Mr. Anderson asked and obtained indefinite leave of absence, for Mr.

Watson.

Mr. Kirkpatrick asked and obtained leave of absence, for Mr. Merritt, for three days.

GENERAL FILE, RESUMED.

Assembly Bill, No. 193, An Act to amend an Act entitled "An Act amendatory of, and supplementary to 'An Act to, regulate Proceedings in Criminal Cases in this State,' "passed May first, one thousand eight hundred and fifty-one, passed April twenty-second, one thousand eight hundred and fifty-eight—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Wheeler, the bill was placed at the foot of the file. Senate Bill, No. 232, An Act to Appropriate Money to pay the claim of D. H. Whipley-was considered in Committee of the Whole, and amended.

IN SENATE.

Mr. Titus moved to indefinitely postpone the bill.

Upon which, the ayes and noes were demanded by Messrs. McDonald, Bradley, and Dickinson, and taken with the following result: Ayes, 14noes, 9:

Ayes-Messrs. Chase, Dickinson, Eagon, Franklin, Kirkpatrick, O'Farrell, Parks, Peachy, Phelps, Redman, Sharp, Titus, Watkins, and Whee-

Noes-Messrs. Bradley, Clark, De la Guerra, Dent, Haynes, Lansing, McDonald, Pico, and Vance-9.

So the bill was indefinitely postponed.

Senate Bill, No. 274, An Act to release certain Judgments-was considered in Committee of the Whole.

IN SENATE.

Bill ordered engrossed and read a third time.

Senate Bill, No. 261, An Act to audit and allow the Claim of J. M. Warner-was considered in Committee of the Whole.

IN SENATE.

Bill ordered engrossed, and read a third time.

Senate Bill, No. 104, An Act to authorize the Board of Supervisors of the County of El Dorado, to take and subscribe Three Hundred Thousand Dollars, to the Capital Stock of the Placerville and Folsom Railroad Company, and to provide for the Payment of the same, and other mat-On motion of Mr. Titus, placed at the foot of the file.

Senate Bill, No. 89, An Act to create the office of State Geologist, and

define the Duties thereof.

The question being on the Senate receding from its disagreement, and concurring in Assembly amendments, as recommended by the Committee of Free Conference.

Mr. McDonald moved to consider the amendments separately

The Chair decided the motion out of order, from which decision Mr. Mc Donald appealed.

The question then being, shall the decision of the Chair be sustained? .

It was sustained.

The question then recurring on concurring in Assembly amendments, the ayes and noes were demanded by Messrs. Bradley, Leet, and Chase, and taken with the following result: Ayes, 6-noes, 18:

AYES-Messrs. Clark, Franklin, Kirkpatrick, McDonald, Sharp, and Titus—6.

Noes-Messrs. Anderson, Bradley, Chase, Crittenden, Dent, Dickinson, Eagon, Haynes, Lansing, Leet, Parker, Parks, Peachy, Phelps, Quinn, Redman, Ryan, and Watkins-18.

So the Senate refused to concur.

Mr. Parker gave notice, that on to-morrow he would move for a reconsideration of the vote just taken.

Mr. Dent, Chairman of Committee on Engrossed Bills, made the fol-

lowing report:

Mr. President:—The Committee on Engrossed Bills, have examined Senate Bill, No. 43, An Act to provide Revenue for the support of the Government of this State, and find the same correctly engrossed.

GEO. W. DENT.

Chairman.

Report accepted.

On motion of Mr. Titus, the rules were suspended, the bill just reported, taken up, read a third time and passed.

FURTHER SPECIAL ORDER.

Senate Bill, No 245, An Act to provide for Funding the unpaid Interest on the War Debt.

Mr. Parks moved a call of the Senate, which was lost.

The question being on ordering the bill engrossed, and read a third time, the ayes and noes were demanded by Messrs. Ryan. Parks, and Watkins, and taken with the following result: Ayes, 15—noes, 12:

AYES—Messrs. Anderson, Bradley, Clark, Chase, Crittenden, Denver, Eagon, Franklin, Haynes, Lansing, Leet, Logan, Ryan, Vance, and Watkins—15.

Noes-Messrs. De la Guerra, Dent, Kirkpatrick, Parker, Parks, Peachy, Pico, Quinn, Redman, Sharp, Titus, and Wheeler-12.

So the bill was ordered engrossed.

Mr. Clark offered the following resolution:

Resolved, That John Clark, be allowed ten dollars per week, from the beginning to the end of the session for taking charge of the Light-House, of the State capitol, the same payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Logan gave notice, that he would at an early day, introduce a bill for an act entitled An Act to create the Office of State Geologist, and define the Duties thereof.

Mr. Titus moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Bradley, Eagon, and Leet, and taken with the following result: Ayes, 14—noes, 14:

AYES—Messrs. Anderson, Clark, Chase, Dickinson, Franklin, Haynes, Kirkpatrick, Leet, Logan, McDonald, Parker, Parks, Titus, and Wheeler—14.

Noes-Messrs. Bradley, Crittenden, De la Guerra, Dent, Denver, Eagon, Peachy, Pico, Quinn, Redman, Ryan, Sharp, Vance, and Watkins-14.

So the motion was lost.

FURTHER SPECIAL ORDER.

Assembly Bill, No. 97, An Act amendatory of, and supplementary to, "An Act approved April twenty-ninth, one thousand eight hundred and fifty-seven, to Provide Revenue for the Support of the Government of this State," from a tax to be levied and collected from Foreign and Inland bills, and other matter-was considered in Committee of the Whole.

IN SENATE.

Mr. Parks moved that the Senate do now adjourn.

Lost.

Mr. Sharp moved to place the bill at the top of the file.

Mr. Sharp moved that the Senate do now adjourn.

The bill was then further considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Sharp, the bill was made the Special Order for tomorrow, at fifteen minutes past eleven, A. M.

On motion of Mr. Leet, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,

Wednesday, April 11, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

REPORTS.

Mr. Titus, Chairman of the Committee on State Hospitals, made the following report:

Mr. President:-The Committee on State Hospitals, to whom was referred Assembly Bill, No. 327, An Act amendatory of "An Act defining the Legal Distances from each County Seat to the Capital, Lunatic Asylum, and State Prison," approved April twenty-fourth, one thousand eight hundred and fifty eight, have but the pectfully report it back, and recommend its passage.

J. S. TITUS, hundred and fifty-eight, have bad the same under consideration, respect-

Chairman.

Placed on file.

Mr. Parks, Chairman of the Committee on Agriculture, made the following report:

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The bill was then placed on file.

Assembly Bill No. 438, An Act appropriating Money for the Payment of the Copying of the Legislature during the Eleventh Session—was read first and second times.

On motion of Mr. Sharp, the rules were suspended, and the bill con-

sidered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

SPECIAL ORDER.

Senate Bill, No. 258, An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twenty-sixth of March, one thousand eight Lundred and fifty-six, between the State and the late James M. Estell, for the Lease of the State Prison and Convict Libor, and to procure the Cancellation of said Contract, and the surrender of the State Prison to the State

On motion of Mr. Leet, made the special order for Friday, April thir-

teenth, at fifteen minutes past eleven, A. M.

REPORTS.

Mr. Dent, Chairman of Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills, have examined Senate Bill, No. 139, An Act to amend "An Act to authorize the Counties of the State of California to become Stockholders in Railroad Companies,' approved April sixteenth, one thousand eight hundred and fifty-nine:

Also, Senate Bill, No 280, An Act to fix the Compensation of the Dis-

trict Attorney of Tulare County;

Also, Senate Bill, No. 241, An Act to provide for the Location of the

County Seat of Yolo County;

Also, Senate Bill, No. 281. An Act to amend an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and other acts amendatory thereto;

Also, have examined Senate Bill, No. 274, An Act to Release certain

Judgments;

Also, Senate Bill, No. 261, An Act to audit and allow the Claim of J. M. Warner;

And find the same correctly engrossed.

DENT.

Chairman.

Report accepted.

Mr. Anderson, of Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate Bill, No. 250, entitled a bill for An Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, have had the same under consideration, and report the bill back, and recommend its passage.

Your committee have also had under advisement Senate Bill, No. 60,

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entitled An Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and to repeal an Act amendatory thereof, approved April fifteenth, one thousand eight hundred and fifty eight, and report the bill back, and recommend that it be indefinitely postponed.

Your committee have also had under consideration Senate Bill, No. 61, entitled An Act amendatory of, and supplementary to, an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and report the bill back, and recommend that it be indefinitely

postponed. Your committee have also had under advisement Senate Bill, No. 272, entitled An Act to authorize the Courts of Record of this State to admit Joseph Rodriguez Brandon as an Attorney and Counselor-at-Law, and report the bill back, with the following proviso, and recommend its pas-

sage: Provided, the said Brandon shall first declare his intention, in accordance with the Naturalization Laws of the United States, to become a citizen of the United States, and shall produce a certificate of such declaration to such court or courts of record of this State to which he may apply for license to practice as an Attorney and Counselor at-Law

Your committee have also had under consideration Senate Bill, No. 188, entitled An Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight bundred and fifty-one, and report the bill back, and recommend that the same be indefinitely postponed.

Your committee have also had under advisement Senate Bill, No. 33, entitled An Act to amend an Act explanatory of "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and an Act amendatory thereof, approved March twenty-eighth, one thousand eight hundred and fifty-nine, and report the bill back, and recommend its indefinite postponement.

Your committee have also had under consideration Senate Bill, No. 74, entitled An Act to amend "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and report the bill back, and re-

commend that the same be indefinitely postponed.

Your committee have also had under advisement Assembly Bill, No. 282, entitled An Act to amend an Act passed May fourth, one thousand eight hundred and fifty-two, entitled "An Act for the Relief of Insolvent Debtors and Protection of Creditors." and report the bill back, and recommend that the same be indefinitely postponed.

Your committee have also had under consideration Assembly Bill, No. 311, entitled An Act to amend "An Act concerning Courts of Justice and Judicial Officers," passed May niveteenth, one thousand eight hundred and fifty-three, and report the bill back, and recommend its passage.

Your committee have also had under advisement Assembly Bill, No. 72, entitled An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty, and report the bill back, and recommend its passage.

Your committee have also had under consideration Assembly Bill, No. 251, entitled An Act to amend an Act entitled "An Act concerning Courts of Justice and Judicial Officers," passed May nineteenth, one thousand

eight hundred and fifty-three, and report the bill back, and recommend its passage.

Respectfully submitted.

ANDERSON,
For Committee.

Placed on file.

Mr. Peachy presented a petition from the citizens of San Francisco, relative to the law concerning Insolvent Debtors.

Referred to the Judiciary Committee.

FURTHER SPECIAL ORDER.

Assembly Bill, No. 97, An Act amendatory of, and supplementary to, "An Act, passed April twenty-nine, one thousand eight hundred and fifty-seven, To provide Revenue for the Support of the Government of this State from a Tax to be Levied and Collected from Foreign and Inland Bills and other matters"—was considered in Committee of the Whole.

IN SENATE.

Pending which, the hour arrived for the consideration of the General File, and the bill was made the special order for this day at twenty minutes past two, P. M.

GENERAL FILE.

Senate Bill, No. 274, An Act to Release certain Judgments.

The question being on its passage, the ayes and noes were demanded by Messrs. Leet, Bradley, and O'Farrell, and taken with the following result: Ayes, 13—noes, 12:

Ayes—Messrs. Chase, De la Guerra, Dent, Denver, Eagon. Kirkpatrick, Lansing, Logan, Merritt, Peachy, Pico, Ryan, and Sharp—13.

Noes-Messrs. Bradley, Dickinson, Franklin, Haynes, Leet, McDonald, O'Farrell, Parks, Quinn, Titus, Vance, and Wheeler-12.

So the bill passed.

Senate Bill, No. 261, An Act to audit and allow the Claim of J. M. Warner.

The question being on its passage, the ayes and noes were demanded by Messrs. Bradley, Ryan, and Leet, and taken with the following result: Ayes, 10—noes, 8:

AYES—Messrs. Bradley, Chase, Dent, Eagon, Haynes, Leet, Logan, McDonald. Parks, and Ryan—10.

Noes-Messrs. Dickinson, Franklin, Kirkpatrick, Lansing, Peachy, Phelps, Quinn, and Sharp-8.

So the bill passed.

Senate Bill, No. 241, An Act to provide for the Location of the County Seat of Yolo County.

Read a third time and passed.

On motion of Mr. Parker, the Senate took a recess for one hour.

Senate met at the appointed hour.

President in the Chair.

Roll called.

Quorum present.

GENERAL FILE, RESUMED.

Senate Bill, No. 139, An Act to amend "An Act to authorize the Counties of the State of California to become Stockholders in Railroad Companies," passed April sixteen, one thousand eight hundred and fifty-nine. The question being on the third reading and passage of the bill.

On motion of Mr. Redman, the bill was recommitted to a Special Com-

mittee of one, with the following instructions:

Amend last line of section one, by striking out "twenty," and inserting "ten."

Insert, "on the principal," after the word "payment," in the third

line of section two.

Amend seventh line of same section, by inserting after the word "December," the words "of the tenth year."

Amend the eleventh line by striking out the word "twentieth," and in-

sert "tenth."

The Chair appointed Mr. Redman as a Special Committee of one, who reported immediately, recommending the adoption of the amendments. Adopted.

The bill was then read a third time and passed.

Mr. O'Farrell moved to reconsider the vote whereby Assembly Bill, No. 228, An Act Fixing the Salary of the Register of the State Land Officewas indefinitely postponed on yesterday.

On motion of Mr. Phelps, the motion to reconsider was made the special

order for to-morrow, at two, P. M.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 11, 1860.

Mr. PRESIDENT:-The Assembly, on the sixth instant, passed Assem-

bly Bill, No. 94, An Act relative to the Writ of Ne Exeat.

Also, Assembly Bill, No. 365, An Act amendatory of "An Act concerning the Offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco," approved March seven, one thousand eight hundred and fifty-nine;
Also, Assembly Bill, No. 381, An Act concerning the Infant Heirs of

Bernardo Yorba, deceased;

Also, Assembly Bill, No. 393, An Act authorizing the Levy of a Special Tax in the County of Los Angeles;

Also, Assembly Bill, No. 431, An Act concerning Apprentices and Ser-

vants:

Also, on yesterday, passed Assembly Bill, No. 369, An Act amendatory of "An Act concerning Notaries Public," passed April thirty, one thousand eight hundred and fifty-seven, and amended and approved March sixteen, one thousand eight hundred and fifty-nine:

Also, Assembly Bill, No. 440, An Act to amend an Act entitled "An Act to Annex a portion of San Joaquin County to Stanislaus County," approved February seventeen, A. D. one thousand eight hundred and

Also, Senate Bill, No. 276, An Act granting further Powers upon the

Board of Supervisors of Amador County;

Also, Senate Bill, No. 147, substitute for Assembly Bill, No. 147, An Act to amend an Act entitled "An Act to Incorporate the City of Placerville," approved March seven, one thousand eight hundred and fifty-

nine;

Also, Senate Bill, No. 270, An Act to authorize certain Parties therein named, to construct a Dam across the Guadalupe River, in Santa Clara County;

Also, concurred in Senate Concurrent Resolution, No. 49, Relative to

the Indian War Debt of this State;

Also, adopted Assembly Concurrent Resolution, No. 68, relative to

Printing extra Copies of Report of Special Indian Committee;

Also, Assembly Concurrent Resolution, No. 70, relative to a Semi-Weekly Mail from San Luis Obispo to Los Angeles by Land.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 94, An Act relative to the Writ of Ne Exeat—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 365, An Act amendatory of "An Act concerning the Offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco," approved March seven, one thousand eight hundred and fifty-nine—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 381, An Act concerning the Infant Heirs of Bernardo Yorba, deceased—was read first and second times, and referred to the

Senator from Los Angeles County.

Assembly Bill, No. 393, An Act authorizing the Levy of a Special Tax in the County of Los Angeles—was read first and second times, and referred to the Schator from Los Angeles County.

Assembly Bill, No. 431, An Act concerning Apprentices and Servants—was read first and second times, and referred to the Judiciary Committee

Assembly Bill, No. 369, An Act amendatory of "An Act concerning Notaries Public," passed April thirty, one thousand eight hundred and fifty-seven, and amended and approved March sixteen, one thousand eight hundred and fifty-nine—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 440, An Act to amend an Act entitled "An Act to Annex a portion of San Joaquin County to Stanislaus County," approved February seventeen, one thousand eight hundred and sixty—was read

first and second times.

On motion of Mr. Dent, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Senate refused to concur in Assembly Concurrent Resolution, No. 68, relative to printing extra copies of Report of Special Indian Committee.

Assembly Concurrent Resolution No. 70, relative to a Semi-Weekly Mail from San Luis Obispo to Los Angeles, by Land—was concurred in.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

State of California, Executive Department, Sacramento, April 10, 1860.

To the Henorable the Senate of California:

I have to inform your Honorable Body, that I have approved Senate Bill, No. 262, An Act amending an Act entitled "An Act to Incorporate the Town of Auburn," approved March twenty-nine, one thousand eight hundred and sixty;

Also, Senate Bill, No. 264, An Act to declare certain Streams and

Sloughs Navigable, in Humboldt County;

Also, Senate Bill, No. 180, An Act to provide for the Proper Registration and Cancelling of the Evidences of Indebtedness paid prior to the

Term of the present State Treasurer ;

Also, Senate Bill, No. 69, An Act to amend an Act entitled "An Act to Provide for the Issuance of Patents to Lands located with State School Land Warrants, and for Lands purchased under the Act of April twenty-three, one thousand eight hundred and fifty-eight, approved April sixteen, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 194, An Act to appropriate Money for the Pur-

chase of a Dairy for the State Insane Asylum;

Also, Senate Bill, No. 174, An Act to Authorize the State Treasurer to Receive and Cancel certain Evidences of Indebtedness;

Also, Senate Bill, No. 249, An Act to Provide for preparing a Catalogue of the State Library;

Also, Senate Bill, No. 229, An Act to authorize the Sale of certain Real

Estate by Guardians:

Also, Senate Bill, No. 268, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act Declaring certain Creeks and Rivers Navigable,'" passed February eighteen, one thousand eight hundred and fiftyone, and to amend "An Act amendatory thereto," passed May seventeen, one thousand eight hundred and fifty-three, passed May fifteen, one thousand eight hundred and fifty-four;

Also, Senate Bill, No. 252, An Act to Fix the Compensation of the

County Judge of Tulare County.

JOHN G. DOWNEY,
Governor.

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT, Sacramento, April 11, 1860.

I have to inform your Honorable Body, that I return herewith Senate Bill No. 141, entitled An Act to authorize certain Counties to retain the State's portion of the Poll Tax, less that portion authorized by law to be paid into the General School Fund; and the State's portion of the Foreign Miners' License Tax, which shall be collected in the said Counties, for the year one thousand eight hundred and sixty, and for the year one thousand eight hundred and sixty-one, to be applied to the Construction and Improvement of certain Wagon Roads over the Sierra Nevada, without my approval.

The first section of this bill authorizes and requires the Treasurers of the counties of El Dorado, Calaveras, Sierra, Yuba, Plumas, Amador, Placer, Tuolumne, and Butte, to retain the State's portion of the Poll Tax, and the State's portion of the Foreign Miners' License Tax, which should he collected for the years one thousand eight hundred and sixty and one thousand eight hundred and sixty-one, to be applied towards the con-

struction of certain wagon roads in these several counties.

Article one, section eleven of the Constitution of this State says: "All laws of a general nature shall have uniform operation." If there be any law of a general nature on our statute books, it is that of levying and collecting the revenue of the State, and paying it into the treasury of the State, there to remain for the benefit of all the counties alike, until

taken therefrom by appropriations made by law.

The Constitution also declares that "taxation shall be equal and uniform throughout the State." The evident intention of this provision is to prevent the Legislature from favoring one locality at the expense of another by compelling them to draw the money necessary to defray the expenses of government equally and uniformly from her citizens, in proportion to the value of the property possessed by each, which it is the great aim and end of government to protect. If we disregard this important provision there is nothing to prevent a ruthless majority from casting the whole burden of the government upon the unprotected minority; between such an act and this bill, which diverts this fund from the public treasury to the use of particular counties, I can see no substantial difference. If this can be done with one portion of the revenue, it may be done with any other, or the whole of it. It would then come to this, that by a combination of certain counties they might be wholly relieved from taxation, thus throwing the whole burden of taxation upon a small portion of the community. It was exactly this evil that the constitutional provision was intended to prevent, and it can no more be effected indirectly, as this bill proposes, than by a declaration to the effect, in which the bill results, that the burden of government shall be borne exclusively by the counties which are not the objects of legislative favoritism. It amounts also to an indefinite and anticipated appropriation of funds which are not in the treasury, but which, by the very terms of the Act, are not to pass through that constitutional channel.

The amount received into the State Treasury from these counties, and from these sources, for the last fiscal year was one hundred and sixteen thousand six hundred and ninety-two dollars and thirty cents, and taking it for granted that it will be less than this for the two years proposed, you will have an aggregate appropriation of two hundred and thirty-three thousand three hundred and eighty-four dollars and sixy cents. Such an appropriation cannot be made without materially embarrassing and impairing the financial system of the State. We have been for years trying to arrive at a cash-paying basis, and now that the object has been accomplished and the people of this State gratified with its results, you are about to return, by lavish and unheard of appropriations, to our former state of bankruptcy. The excess of our expenditures over and above our receipts for the last year was twenty-four thousand seven hundred and twenty-one dollars and sixty-six cents. What will it be for the current year with the appropriations already made and contemplated? The Legislature, so far, has devised no plan by which the deficit will be supplied. The inevitable consequence of all this will be the impairing of our credit at home and abroad, and the exercise of bad faith to those who carry on the various departments of the government who expect to be paid cash instead of depreciated audited accounts. For these reasons I cannot approve this bill. I consider it unjust and wanting in good faith to the other counties of the State. It is time this system of special legislation was arrested. And on the ground of what I consider a just policy, and

the regard I have for the various sections of the State, and the provisions of the Constitution I deem violated by this bill, I feel it a sacred and conscientious duty to withhold from it the Executive sanction.

JOHN G. DOWNEY.

Governor.

The question being, "Shall the bill pass notwithstanding the objections of the Governor?"

Pending which, Mr. Vance moved a call of the Senate.

Lost.

Mr. Titus moved to make the message the special order for Tuesday,

April seventeen, at two o'clock, P. M.

Upon which the ayes and noes were demanded by Messrs. Merritt, Ryan, and Parker, and taken with the following result: Ayes, 14—noes, 15:

AYES-Messrs. Anderson, Bradley, Denver. Dickinson Eagon, Franklin, Haynes, Kirkpatrick, Leet, Parks, Quinn, Titus, Vance, and Wheeler-14.

Noes-Messrs. Chase, De la Guerra, Dent, Lansing, Logan, McDonald, Merritt, O'Farrell, Parker, Peachy, Phelps, Pico, Redman, Ryan, and Sharp-15.

So the motion was lost.

Mr. Anderson moved to make the message the special order for to-morrow at two, P. M.

Mr. Phelps moved to amend by striking out "two, P. M," and inserting

"twenty minutes past eleven, A. M."

Carried.

The motion as amended, was carried, and the message made the special order for to-morrow at twenty minutes past eleven, A. M.

On motion of Mr. Merritt, the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

Senate Chamber, Thursday, April 12, 1860.

Senate met pursuant to adjournment. President in the Chair.

Roll called.

Journal of yesterday read and approved.

REPORTS.

Mr. Anderson, Chairman of the Committee on Corporations, made the following report:

Mr. President:—The Committee on Corporations, have had under consideration the following bills, and herewith return the same, with their recommendation to each as follows:

Senate Bill, No. 278, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to provide for the Incorporation of Railroad Companies," passed April tenth, one thousand eight hundred and fifty-five, and recommend the following amendments thereto, and when so amended, recommend its passage.

Amend by striking out the words "street or," where they occur in the

fifth subdivision of the bill.

Further amend by adding thereto, the following section: Sec. 2. This act shall take effect from and after its passage.

Also, Assembly Bill, No. 208, An Act authorizing Gabriel Allen, John S Griffin, James B. Winston, J. C. Welch, and their Assigns, to Build and Construct a Turnpike Road from the Ex-Mission of San Fernando, across the Mountain of San Fernando, to the Arroyo de la Santa Clara in Los Angeles County, the passage of which, when amended by striking out, in section thirteen, the word "twenty," and inserting "ten," the committee recommend.

Also, Senate Bill, No. 238, An Act supplemental to an Act entitled "An Act to provide for the formation of Corporations, for certain Purposes," passed April fourteenth, one thousand eight hundred and fifty-three. The

committee recommend that this bill be indefinitely postponed.

Also, Assembly Bill, No. 246, An Act amendatory of "An Act to authorize the formation of Corporations for the Construction of Plank and Turnpike Roads," passed fwelfth of May, one thousand eight hundred and fifty-three, and recommend its indefinite postponement.

ANDERSON,

Chairman.

Placed on file.

Mr. Parks, Chairman of the Committee on Public Morals, made the following report:

Mr. President:—Your Committee on Public Morals have had under consideration Assembly Bill, No. 296, An Act to change the names of Persons therein named, and beg leave to report it back, and recommend its passage.

W. H. PARKS,

Chairman.

Placed on file.

On motion of Mr. Parks, the rules were suspended, and the bill just reported taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Merritt, of Committee on Commerce and Navigation, made the following report:

Mr. President:—The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 209, An Act to provide for the Improvement of the Navigation of the San Joaquin River, beg leave to report: That the bill under consideration grants to George V. Hight, A. H. Clarke, their associates or assigns, the exclusive right of navigating the San Joaquin River, above the mouth of the Tuolumne River, by vessels propelled in whole or in part by steam, for the term of ten years, upon the conditions that they shall expend at least ten thousand dollars in improving the navigation of said rivers, said sum to be expended all at one

time, or in yearly sums of one thousand dollars, as the grantees may see proper. The bill further provides, that said grantees shall not charge more than eight dollars for cabin, and six dollars for second-cabin, passage; and not more than twenty dollars per tun freight for measurement, and twenty-five dollars per tun for freight by weight.

The bill further provides, that so much of the act of February, one thousand eight hundred and fifty-one as declares the San Joaquin River navigable above the mouth of the Tuolumne, is repealed by this act.

This bill clearly conflicts with the act of Congress for the admission of California into the Union, which provides "that all the navigable waters within said State (California) shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the

United States." (Section three of the Act of Admission.)

It is true, that this bill provides for repealing the act declaring this river navigable, but we do not think this will remedy the matter; for if such be the case, the Legislature could render nugatory the act of admission, so far as it relates to navigable streams, by simply repealing all laws declaring waters navigable within this State. The object of declaring certain rivers navigable by legislative enactment is to prevent obstructions, and to provide penalties therefor. Certainly, an act of the Legislature declaring a stream navigable which was dry the whole year, and which was clearly not navigable, practically, would not make it a navigable stream. Taking the converse of this proposition, the Legislature, by failing to declare a stream navigable, which was practically so, could not so easily annul one of the plainest provisions of the act under which

we were admitted as a State of the Union.

Aside from these objections to this bill, it is clearly objectionable as a matter of policy. If we can grant the exclusive right of navigating the San Joaquin River to certain parties, why not grant the same right with regard to the Sacramento, and all other navigable rivers in this State? The only answer could be, that in one case we only grant a small franchise, in others large ones-a system of ethics your committee do not acknowledge. It is as bad, morally, to do a small wrong as it is a large one, although human laws may have provided different penalties. Besides, the sum proposed to be expended on the improvement of this river, is so small that it really amounts to nothing. Boats are now making weekly trips, carrying large amounts of freight, and boats owned by parties different from these proposed grantees. Surely, if others can navigate this river, and ask no exclusive privilege, there is no good reason why Captains Hight and Clarke should have this franchise granted to them. It makes no difference to the public who are the carriers, so long as their goods are carried safely, cheaply, and expeditiously. The public are, therefore, interested in leaving this matter open to general competition. Captains Hight and Clarke are doubtless interested the other way, but "private interest must give way to public good." This bill does not even compel those parties to keep a boat on this river at any time; and perhaps if it was to their interest, they might entirely stop the navigation on it for the space of ten years-a consummation not at all desirable. At present, a large portion of the goods used in Tulare County are brought up this river. It is even now a rapidly growing trade. Who can predict the value of this franchise in five years from this time, or even in two or three? Considering the rapid growth of Tulare County, brought about by the fertility of her soil, the salubrity of her climate, the intelligence, industry, and energy, of her citizens, we may safely predict, that in less than five years she will be one of the most populous and wealthy inland counties

in the State. And her county seat, Visalia, situated on the line of the great Southern Overland Mail, is now one of the largest towns north of Stockton, and if her future growth shall keep pace with the past, she will rank among the largest inland towns in the State. Shall we then give any company the exclusive franchise of controling the only navigable stream by which goods and passengers are transported to this great and growing region? This matter is small now, but in the future it may be worth hundreds of thousands. Then we may find, when too late, perhaps, that we have inflicted a grievous burden upon a portion of the people of this State.

For these reasons, we recommend that this bill do not pass.

MERRITT, For Committee.

Placed on file.

Mr. Peachy, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. President:—The Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 199, An Act for the Protection of Fisheries, have considered the same, and recommend that it do not pass.

PEACHY,

Chairman.

Placed on file.

Further report from Committee on Commerce and Navigation:

Mr. President:—The Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 71, An Act authorizing the Construction of Wharfs at the foot of certain Streets in the City and County of San Francisco, have had the same under consideration, and report it back with the recommendation that it do not pass.

PEACHY,

Chairman.

Placed on file.

Mr. Parks, Chairman of Committee on Agriculture, made the following report:

Mr. President:—Your Committee on Agriculture have had under consideration Senate Bill, No. 80, An Act to amend an Act entitled "An Act concerning Marks and Brands," and beg leave to report it back, and recommend its passage.

W. H. PARKS,

Chairman.

Placed on file.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT:—The Committee on Enrolled Bills, have examined and found correctly enrolled Senate Bill, No. 244, An Act for the Education and care, of the Indigent Deaf, Dumb, and Blind, in the State of California:

Also, Senate Bill, No. 246, An Act making an Appropriation for Deficiencies in the Appropriation made for Salary of Controller of State, for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hun-

dred and sixty-and have this day taken the same to the Governor for his approval.

A. St. C. DENVER,

Chairman.

Report accepted.

Mr. Dent, Chairman of Committee on Engrossed Bills, made the following report:

Mr. President:-The Committee on Engrossed Bills, have examined Senate Bill, No. 11, An Act to Appropriate Money for the Payment of

Also, Senate Bill, No. 245, An Act to provide for Funding the unpaid

Interest, on the War Debt;

Also, Senate Bill, No. 286, An Act to authorize the Administrator of the Estate of Albert Wardwell, deceased, to Sell the Real Estate of said deceased, at Public or Private Sale, and find the same correctly ongrossed.

G. W. DENT, Chairman.

Report accepted.

SPECIAL ORDER.

The Governor's Message, returning without his approval, Senate Bill, No. 141, An Act to authorize certain Counties to retain the States portion of the Poll Tax, less that portion allowed by law to be paid into the General School Fund; and the State's portion of the Foreign Miners' License Tax, which shall be collected in the said Counties, for the years one thousand eight hundred and sixty, and one thousand eight hundred and sixtyone, to be applied to the construction and improvement of certain Wagon Roads over the Sierra Nevada, was taken up.

Mr. Leet moved to make the consideration of the message, the Special Order for Tuesday, April seventeenth, at forty-five minutes past eleven,

Pending which, Mr. Parker moved a call of the Senate.

Carried.

Roll called.

Absent: Messrs. Dickinson, and Edgerton.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Dickinson, appearing at the bar of the Senate, was admitted.

On motion of Mr. Parker, further proceedings under the call were dis-

pensed with.

The question recurring on the motion to make the message the Special Order for Tuesday April seventeenth, at forty-five minutes past eleven, A. M., the ayes and noes were demanded by Messrs. Bradley, Eagon, and Ballou, and taken with the following result: Ayes, 16-noes, 16:

Ayes-Messrs. Anderson, Bradley, Ballou, Denver, Dickinson, Eagon, Franklin, Havnes, Kirkpatrick, Leet, Logan, Parks, Quinn, Titus, Vance, and Wheeler-16.

Noes-Messrs. Clark, Chase, Crittenden, De la Guerra, Dent, Lansing, McDonald, Merritt, O'Farrell, Parker, Peachy, Phelps, Pico, Redman, Ryan, and Sharp-16.

So the motion was lost.

Mr. Ballou moved to make the message the Special Order for Wednes-

day, April eighteenth, at thirty minutes past eleven, A. M.

Upon which the ayes and noes were demanded by Messrs. Bradley, Leet, and Vance, and taken with the following result: Ayes, 15—noes, 17:

AYES-Messrs. Anderson, Bradley, Ballou, Denver, Eagon, Franklin, Haynes, Kirkpatrick, Leet, Logan, Parks, Quinn, Titus, Vance, and

Wheeler-15.

Noes-Messrs Clark, Chase, Crittenden, De la Guerra, Dent, Dickinson, Lansing McDonald, Merritt, O'Farrell, Parker, Peachy, Phelps, Pico, Redman, Ryan, and Sharp-17.

So the motion was lost.

Mr. Vance moved to make the message the Special Order for Saturday,

April fourteenth, at two, P. M.

Upon which, the ayes and noes were demanded by Messrs. Peachy, Vance, and Leet, and taken with the following result: Ayes, 16—noes, 16:

AYES—Messrs. Anderson, Bradley, Ballou, Clark, Chase, Denver, Eagon, Franklin, Haynes, Kirkpatrick, Leet, Logan, Quinn, Titus, Vance, and Wheeler—16.

Noes-Messrs. Crittenden, De la Guerra, Dent, Dickinson, Lansing, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Redman, Ryan, and Sharp-16.

So the motion was lost.

The question being, shall the bill pass, notwithstanding the objections of the Governor?

The roll was called with the following result: Ayes, 14-noes, 17:

AYES—Messrs. Bradley, Ballou, Clark, Crittenden, Denver, Eagon, Franklin, Kirkpatrick, Leet, Parks, Quinn, Titus, Vance, and Wheeler—14.

Noes-Messrs. Chase, De la Guerra, Dent, Dickinson, Haynes, Lansing, Logan, McDonald, Merritt, O'Farrell, Parker, Peachy, Phelps, Pico, Redman, Ryan, and Sharp-17.

So the Senate refused to pass the bill.

Mr. Merritt in the Chair.

FURTHER SPECIAL ORDER.

Assembly Bill, No. 258, An Act to provide for a Convention to Revise and Change the Constitution of this State—was considered in Committee of the Whole.

IN SENATE.

Mr. Lansing moved to indefinitely postpone the bill.

Pending which, the hour arrived for the consideration of the General File.

On motion of Mr. Phelps, the Forty-Seventh Rule was suspended, and the bill further considered in Committee of the Whole.

IN SENATE.

The question being on the indefinite postponement of the bill.

Mr. Eagon moved a call of the Senate.

Carried.

Roll called.

Absent: Messrs. Ballou, Clark Crittenden, Denver, Kirkpatrick, and Ryan.

The Sergeant-at-Arms was dispatched for absentees.

Messrs. Denver, Kirkpatrick, Crittenden, and Ryan, appearing at the bar of the Senate, were admitted.

Mr. Dent moved to dispense with the further proceedings under the call.

Lost.

Mr. Phelps moved to dispense with further proceedings under the call.

The question recurring on the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Peachy, Phelps, and Lansing, and taken with the following result: Ayes, 17—noes, 12:

AYES-Messrs. Anderson, Bradley, Crittenden, De la Guerra, Eagon, Haynes, Lansing, McDonald, O'Farrell, Parker, Peachy, Phelps, Quinn, Redman, Ryan, Sharp, and Vance-17.

Noes-Messrs. Chase, Dent, Denver, Dickinson, Franklin, Kirkpatrick,

Leet, Merritt, Parks, Pico, Titus, and Wheeler-12.

So the bill was indefinitely postponed.

Mr. Peachy moved to reconsider the vote just taken now, and before the motion was stated by the Chair.

Mr. Anderson, gave notice that he would, on to-morrow, move for a

reconsideration of the vote just taken.

Mr. Peachy, rose to a point of order, that the Senator from Placer was out of order, and that it was not in order for the Chair to entertain the notice given by the Senator from Placer, while a motion to reconsider now, was pending.

The Chair ruled that the point of order was not well taken.

From which decision Mr. Peachy appealed.

Pending which, Mr. Anderson moved that the Senate do now adjourn.

Lost.

The question being, shall the decision of the Chair stand as the judg-

ment of the Senate?

Upon which, the ayes and noes were demanded by Messrs. Peachy, Crittenden, and Lansing, and taken with the following result: Ayes, 8-noes, 20:

Aves-Messrs. Anderson, Denver, Dickinson, Franklin, Kirkpatrick,

Feet, O'Farrell, and Wheeler-8.

Noes-Messrs. Bradley, Chase, Crittenden, De la Guerra, Dent, Eagon, Haynes, Lansing, McDonald, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Ryan, Sharp, Titus, and Vance-20.

So the decision of the Chair was not sustained.

The question now recurred on reconsidering the vote whereby the bill was indefinitely postponed.

Pending which, Mr. Chase moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded by Messrs. Peachy, Chase, and Denver, and taken with the following result: Ayes, 12—noes, 17:

AYES-Messrs. Anderson, Chase, Dent, Denver, Dickinson, Franklin,

Leet, Merritt, Parks, Pico, Quinn, and Wheeler-12.

Nors—Messrs. Bradley, Crittenden, De la Guerra, Eagon, Haynes, Kirkpatrick, Lansing, McDonald, O'Farrell, Parker, Peachy, Phelps, Redman, Ryan, Sharp, Titus, and Vance—17.

So the Senate refused to adjourn.

The question again recurred upon reconsidering the vote whereby the bill was indefinitely postponed,

Pending which, Mr. Wheeler moved to make it the special order for

Tuesday, April seventeenth, at twelve, M.

Mr. Quinn moved to amend by making it the special order for to-mor-

row, at half-past eleven, A. M.

Upon which, the ayes and noes were demanded by Messrs. Peachy, Eagon, and Quinn, and taken with the following result: Ayes, 12—noes, 16:

AYES-Messrs. Anderson, Chase, Dent, Denver, Dickinson, Franklin,

Kirkpatrick, Leet, Merritt, Parks, Quinn, and Wheeler-12.

Noes-Messrs. Bradley, Crittenden, De la Guerra, Eagon, Haynes, Lansing, McDonald, O'Farrell, Parker, Peachy, Phelps, Pico, Redman, Ryan, Sharp, and Vance-16.

So the motion was lost.

Mr. Leet moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded by Messrs. Peachy, Bradley, and Parker, and taken with the following result: Ayes, 13—noes, 16:

Ayrs-Messrs. Anderson, Chase, Dent, Denver, Dickinson, Franklin,

Leet, Merritt, Parks, Pico, Quinn, Titus, and Wheeler-13.

Noes—Messrs. Bradley, Crittenden, De la Guerra, Eagon, Haynes, Kirkpatrick, Lansing, McDonald, O'Farrell, Parker, Peachy, Phelps, Redman, Ryan, Sharp, and Vance—16.

So the motion to adjourn was lost.

Mr. Phelps moved the previous question, which was not sustained. Mr. Eagon moved to indefinitely postpone the motion to reconsider.

Upon which, the ayes and noes were demanded by Messrs. Peachy, Bradley, and Vance, and taken with the following result: Ayes, 16—noes, 13:

AYES-Messrs. Bradley, Crittenden, De la Guerra, Eagon, Haynes, Lansing, McDonald, O'Farrell, Parker, Peachy, Phelps, Quinn, Redman, Ryan, Sharp, and Vance-16.

Noes-Messrs. Anderson, Chase, Dent, Denver, Dickinson, Franklin,

Kirkpatrick, Leet, Merritt, Parks, Pico, Titus, and Wheeler-13.

So the motion was carried.

Mr. Anderson gave notice, that he would on to-morrow, move for a reconsideration of the vote just taken.

On motion of Mr. Bradley, the Senate adjourned.

I. N. QUINN,
President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER,

Friday, April 13, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Anderson asked and obtained unanimous leave of the Senate to have his vote recorded against the indefinite postponement of Assembly Bill, No. 258, An Act to provide for a Convention to Revise and Change the Constitution of this State, he having voted in the affirmative on yesterday, for the purpose of reconsideration.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 12, 1860.

Mr. President:—The Assembly have this day adopted Assembly Concurrent Resolution, No. 63, Relative to the Pay of the State Translator.

R. K. WESTON,

As't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution, No. 63, Relative to Pay of the State Translator—was taken up and concurred in.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

Mr. President:—The Assembly on the seventh inst. passed Assembly Bill, No. 435, An Act authorizing the Board of Supervisors of Napa

County to levy a Special Tax for certain purposes; Also, Assembly Bill, No. 379, An Act concerning Aliens;

Also, Assembly Bill, No. 214, An Act for the Relief of W. J. Paugh,

Sheriff of the County of Amador:

Also, on the ninth inst. passed Assembly Bill, No. 399, An Act to authorize the Board of Supervisors of the City and County of San Francisco to Pay certain Claims;

Also, on the eleventh, Assembly Bill, No. 387, An Act to grant the right to Construct a Bridge across Middle Eel River, Mendocino County, at or near the Crossing of the Weaverville Trail to certain parties there-

in named;

Also, Assembly Bill, No. 47, An Act to grant to A. P. Overton, and others whom he may associate with him, and their Assigns, the right of laying a Railroad Track along certain Streets in the City of Petaluma; Also, Assembly Bill, No. 295, An Act to allow the Claim of Daniel

McLaren; Also, Assembly Bill, No. 454, An Act supplemental to an Act entitled "An Act to confer further Powers upon the Board of Education, and the Auditor, and Treasurer, of the City and County of San Francisco;"

Also, amendatory of an Act approved April twenty-third, one thousand eight hundred and fifty-eight, entitled "An Act to confer further powers upon the Board of Supervisors, and Auditor, and County Treasurer, of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned," approved March fifteenth, one thousand eight hundred and sixty.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 435, An Act authorizing the Board of Supervisors of Napa County to levy a Special Tax for Certain purposes—was read first and second times, and referred to the Senator from that county.

Assembly Bill, No. 379, An Act concerning Aliens-was read first and

second times, and referred to the Judiciary Committee.

Assembly Bill, No. 214, An Act for the Relief of W. J. Paugh, Sheriff of the County of Amador—was read first and second times, and referred to the Committee on Claims.

to the Committee on Claims.

Assembly Bill, No. 399, An Act to authorize the Board of Supervisors of the City and County of San Francisco to Pay certain Claims—was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 387, An Act to grant the right to Construct a Bridge across Middle Eel River, Mendocino County, at or near the Crossing of Weaverville Trail to certain parties therein named—was read first and second times, and referred to the Senator from that county.

Assembly Bill, No. 295, An Act to allow the Claim of Daniel McLaren—was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 47, An Act to grant to A. P. Overton, and others whom he may associate with him, and their Assigns, the right of laying a Railroad Track along certain Streets in the City of Petaluma—was read first and second times, and referred to the Committee on Corporations.

Assembly Bill, No. 454, An Act supplemental to an Act entitled "An Act to confer further Powers upon the Board of Education, and the Audi-

tor, and Treasurer, of the City and County of San Francisco;

Also, amendatory of an Act approved April twenty-third, one thousand eight hundred and fifty-eight, entitled an Act to confer further powers upon the Board of Supervisors, and Auditor, and County Treasurer, of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned," approved March fifteenth, one thousand eight hundred and sixty—was read first and second times.

On motion of Mr. Phelps, the rules were suspended, the bill read a

third time, and passed.

INTRODUCTION OF BILLS.

Mr. Titus, by leave, introduced a bill for an act entitled An Act amendatory of an Act entitled "An Act to Establish an Asylum for the Insane of the State of California," passed May seventeenth, one thousand eight hundred and fifty-three, approved April fourteenth, one thousand eight hundred and fifty-eight.

Read first and second times, and referred to the Committee on State

Hospitals.

Mr. Sharp, by leave, introduced a bill for an Act entitled An Act for

the Relief of Lewis Teal, late Tax Collector in and for the City of San Francisco—which was read first and second times, and referred to the

San Francisco Delegation.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act amendatory of "An Act concerning the Offices of Sheriff and County Recorder of the City and County of San Francisco"—which was read first and second times, and referred to the San Francisco Delegation.

Mr. Anderson offered the following resolution:

Resolved, That the amount of one hundred and thirty-three dollars be, and the same is hereby allowed to the Sergeant-at-Arms, for postage used during the session, for the general use and benefit of the Senate, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Bradley gave notice that he would, on to-morrow, or at an early day thereafter, introduce a bill to authorize the Board of Supervisors of Calaveras County to Levy a Special Tax in said County for Road Purposes.

SPECIAL ORDER.

Senate Bill, No. 258, An Act to Provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the Lease of the State Prison and Convict Labor, and to Procure the Cancellation of said Contract, and the Surrender of the State Prison to the State—was considered in Committee of the Whole.

IN SENATE.

Pending which, the hour arrived for the consideration of the General File.

On motion of Mr. Chase, the bill under consideration was placed at the top of the file.

GENERAL FILE.

Bill further considered in Committee of the Whole.

IN SENATE.

Mr. Leet moved to make the bill the special order for Wednesday,

April eighteen, at fifteen minutes past eleven, A. M.

Upon which the ayes and noes were demanded by Messrs. Sharp, O'-Farrell, and Ryan, and taken with the following result: Ayes, 14—noes, 11:

AYES—Messrs. Anderson, Bradley, Clark, Chase, Dickinson, Eagon, Franklin, Leet, Logan, Parks, Redman, Ryan, Titus, and Wheeler—14.
Noes—Messrs. Dent, Denver, Kirkpatrick, Lansing, O'Farrel, Parker,

Peachy, Phelps, Quinn, Sharp, and Watkins-11.

So the motion was carried.

On motion of Mr. Kirkpatrick, Senate Bill, No. 63, An Act to provide for the Payment of D. O. Mills & Co.—was taken from the unfinished business and placed at the top of the file.

Mr. Peachy, Chairman of the Committee on Commerce and Navigation, made the following report:

Mr. President:—The Committee on Commerce and Navigation, to whom was referred Assembly Bill, No. 205, An Act amendatory of, and supplemental to, "An Act to Establish Pilots and Pilot Regulations for the Port of San Francisco," passed May eleven, one thousand eight hundred and fifty-four, and of the several Acts amendatory thereof, have considered the same, and report it back with recommendation that it pass.

PEACHY, Chairman.

Placed on file.

President pro tem. in the Chair.

GENERAL FILE RESUMEDD.

Senate Bill, No. 63, An Act to provide for the Payment of D. O. Mills & Co.—was considered in Committee of the Whole.

IN SENATE.

Mr. Parker moved to re-refer the bill to the Committee on Claims. Lost.

On motion of Mr. Kirkpatrick, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Senate Bill, No. 286, An Act to authorize the Administrator of the Estate of Albert Wardwell, deceased, to Sell the Real Estate of said deceased at Public or Private Sale—was read a third time and passed.

Senate Bill, No. 245, An Act to provide for Funding the Unpaid Interest on the War Debt—was read a third time.

terest on the War Debt—was read a third time.
On its passage the ayes and noes were demanded by Messrs. Leet, Sharp,

and Parker.

Pending which, the hour arrived for the consideration of the further special order.

FURTHER SPECIAL ODDER.

Senate Bill, No. 151, An Act to provide for the Payment of a Digest of the Decisions of the Supreme Court, and for the distribution of the same.

On motion of Mr. Watkins, laid on the table. Mr. Anderson moved a call of the Senate.

Carried.

Mr. Quinn asked, and obtained leave of absence for Mr. Merritt for one day.

Mr. Titus asked and obtained leave of absence, for Mr. Dickinson for one day.

Roll called.

Absent-Messrs. Chase, Denver, Dickinson, Franklin, McDonald, and Merritt.

The Sergeant-at-Arms was dispatched for absentees.

On motion of Mr. Parker, further proceedings under the call was dispensed with.

The question being on the passage of the bill, upon which the ayes and noes had been demanded, and were taken with the following result: Ayes, 8—noes, 19:

Aves-Messrs. Bradley, Ballou, Chase, Eagon, Haynes, Lansing, Ryan, and Watkins-8.

Noes-Messrs. Anderson, Clark, Crittenden, De la Guerra, Dent, Franklin, Kirkpatrick, Leet, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Sharp, Titus, and Wheeler-19.

So the Senate refused to pass the bill.

Mr. Leet gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

On motion of Mr. Clark, the special order was taken from the table.

SPECIAL ORDER.

Senate Bill, No. 151, An Act to provide for the Payment of a Digest of the Decisions of the Supreme Court, and for the Distribution of the same—was considered in Committee of the Whole.

IN SENATE.

Mr. Kirkpatrick moved to make the bill the special order for to-morrow at half past eleven, A. M.

Lost.

On motion of Mr. Quinn, the bill was indefinitely postponed.

Mr. Phelps gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee on Enrolled Bills have examined and found correctly enrolled Senate Bill, No. 103, An Act for the Erection of a Building for a State Reform School, and for the Regulation of the same;

Also, Senate Bill, No. 147, An Act to amend an Act entitled "An Act to Incorporate the City of Placerville," approved March seventh, one thousand eight hundred and fifty-nine;

And have this day taken the same to the Governor.

A. St. C. DENVER.

Chairman.

Report accepted.

INTRODUCTION OF BILLS.

Mr. Crittenden, by leave, introduced a bill for an act entitled An Act appropriating Money for the completion of a Wagon Road over the Sierra Nevada.

Read first and second times.

On motion of Mr. Crittenden, it was made the special order for Tuesday, April eighteenth, at two, P. M.

Mr. Logan, by leave, introduced a bill for an act entitled An Act to create the office of State Geologist and define the Duties thereof.

Read first and second times.

On motion of Mr. Logan, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Logan, the rules were further suspended, the bill considered engressed, read a third time and passed.

On motion of Mr. Phelps, Assembly Bill, No. 205, An Act amendatory of, and supplemental to, an Act entitled "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-four, and of the several acts amendatory thereof, was taken from file and considered in Committee of the Whole.

IN SENATE.

Mr. Watkins moved to make it the special order for to-morrow, at thirty minutes past eleven, A. M.

On motion of Mr. Phelps, the bill was placed at the top of the file.

Mr. Kirkpatrick, by leave, introduced a bill for an act entitled An Act making Appropriation for Deficiencies made for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty.

Read first and second times.

On motion of Mr. Kirkpatrick, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Kirkpatrick, the rules were further suspended, the bill considered engrossed, read a third time and passed.

Mr. Denver, Chairman of Committee on Enrolled Bills, made the fol-

lowing report:

Mr. PRESIDENT: -The Committee on Enrolled Bills have examined and found correctly enrolled Senate Bill, No. 247, An Act to authorize certain Parties therein named to construct a Dam across the Guadalupe River, in Santa Clara County;
Also, Senate Bill, No. 276, An Act granting further Powers upon the

Board of Supervisors of Amador County;

Also, Senate Concurrent Resolution, No. 49, Relative to the Indian War Debt of the State.

And have taken the same to the Governor.

A. St. C. DENVER,

Report accepted. Chairman.

Mr. McDonald offered the following resolution:

WHEREAS, We are advised by telegraph of the first arrival within the borders of this State of the Central Overland Pony Express, bringing news from New York, Washington, and the Atlantic Coast, in the unprecedently short time of nine days; and, whereas, said express is rapidly approaching, and will soon arrive in this city; therefore,

Resolved, That as an evidence of our pride and pleasure in the accomplishment of so noble an enterprise, and our approbation of the public spirit and energy which accomplished it, and in order to give Senators an opportunity to unite with the citizens of this city in witnessing and welcoming the arrival of this express, that the Senate do now adjourn.

Mr. Quinn moved to lay the resolution on the table.

The resolution was then adopted, and the Senate adjourned.

I. N. QUINN, President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Saturday, April 14, 1860.

Senate met pursuant to adjournment. President pro tem. in the Chair.

Roll called.

Journals of yesterday read and approved.

Mr. Sharp presented a petition and certified copies of certain records in relation to the claim of Lewis Teal.

Referred to the San Francisco Delegation.

MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 14, 1860.

Mr. PRESIDENT:-The Assembly, on the eleventh instant, passed Assembly Bill, No. 410, An Act to authorize the Executrix of Wm. B. Olds, deceased, to sell Real Estate of her Testator at Private Sale;

Also, on the tenth, passed Assembly Bill, No. 449, An Act amendatory of, and supplemental to, an Act entitled "An Act to provide for the Incorporation of the City of Yreka," approved April twenty-one, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 448, An Act to authorize William Norris, Administrator of the Estate left Unadministered of the Estate of James Blair,

deceased, to sell Real Estate of said deceased at Private Sale;

Also, Assembly Bill, No. 147, An Act for the Settlement of the Estate of certain Minors.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 410, An Act to authorize the Executrix of Wm. B. Olds, deceased, to sell Real Estate of her Testator at Private Sale-was was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 449, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Incorporation of the City of Yreka," approved April twenty-one, one thousand eight hundred and fifty-seven-was read first and second times, and referred to the Senator from that District.

Assembly Bill, No. 448, An Act to authorize William Norris, Administrator of the Estate left Unadministered of the Estate of James Blair, deceased, to sell Real Estate of said deceased at Private Sale-was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 147, An Act for the Settlement of the Estate of certain Minors—was read first and second times, and referred to the Judi-

ciary Committee.

Mr. Clark presented a remonstrance from citizens of Sacramento, Relative to Railroads in Sacramento-which was referred to the delegation from Sacramento County.

Mr. Peachy, Chairman of the Committee on Commerce and Navigatiod, made a verbal report; returning Assembly Bill, No. 124, An Act to authorize J. C. Cissna to Construct a Breakwater and Wharf at the Port of San Luis Obispo and providing for the same, recommending that the same be referred to the Senator from that district-and the bill was so referred.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 14, 1860.

Mr. PRESIDENT:-Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead in the City and County of San Francisco, passed the Assembly on the twelfth day of the present month, with an amendment. Respectfully, J. M. ANDERSON,

Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead in

the City and County of San Francisco.

The question being on concurring in the amendment made by the Assembly, the ayes and noes were demanded by Messrs. Peachy, Phelps, and Dickinson, and taken with the following result: Ayes, 21-noes, 9.

Ayes-Messrs. Anderson, Bradley, Ballou, Clark, Chase, Dent, Denver, Dickinson, Eagon, Franklin, Haynes, Kirkpatrick, Lansing, Leet, Logan, Quinn, Ryan, Titus, Vance, Watkins, and Wheeler-21.

Noes-Messrs. Crittenden, McDonald, O'Farrell, Parker, Parks, Peachy,

Phelps, Redman, and Sharp--9.

So the amendment was concurred in.

REPORTS.

Mr. Anderson, Chairman of the Committee on Corporations, made the following report:

Mr. President: - The Committee on Corporations have had under advisement Assembly Bill, No. 217, An Act supplemental to "An Act for the Formation of Corporations for certain Purposes," approved April fourteen, one thousand eight hundred and fifty-three, and herewith return the same, recommending that it be indefinitely postponed.

ANDERSON. Chairman.

Placed on file.

Mr. Watkins, Chairman of the Committee on Claims, made the following report:

Mr. President:—The Committee on Claims have examined Assembly Bill, No. 214, An Act for the Relief of W. J. Paugh, Sheriff of the County of Amador, and beg leave to report it back, and recommend its passage. WATKINS,

Chairman.

Placed on file.

Mr. Sharp, from the San Francisco Delegation, made the following report:

Mr. President:—The delegation of the Fifth Senatorial District, to whom was referred Assembly Bill, No. 365, have had the same under consideration, and report the same back, and recommend its passage.

SOL. A. SHARP, For the Delegation.

Placed on file.

Mr. Sharp made the following report:

Mr. President:—The undersigned, to whom was referred Assembly Bill, No. 428, entitled An Act to Extend the Time for Collecting Taxes in the County of Santa Cruz, has had the same under consideration, and report the same back, and recommend its passage without amendment.

SOL. A. SHARP,

For the Delegation.

Placed on file.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Substitute for Senate Bill, No. 63, An Act to audit the Claim of D. O. Mills & Co. and find the same correctly engrossed.

DENT, Of Committee.

Report accepted.

Mr. Clark, of Sacramento Delegation, made the following report:

Mr. President:—The Sacramento Delegation to whom was referred Substitute for Assembly Bill, No. 130, An Act for the Rehef of Witnesses in Criminal Cases in the City and County of Sacramento, have had the same under consideration, and report it back, with the recommendation that it pass.

CLARK,

For the Delegation.

Placed on file.

Mr. Wheeler made the following report:

Mr. President:—The majority of the delegation from Yuba and Butte, to whom was referred Senate Bill, No. 266, An Act to more perfectly Define the Dividing Line between the Counties of Butte and Yuba, having had the same under consideration, hereby report it back, and recommend its indefinite postponement.

E. D. WHEELER, H. P. WATKINS, W. H. PARKS.

Placed on file.

Mr. Lansing presented certain accounts.
Referred to the Committee on Contingent Expenses.

RESOLUTION.

Mr. Eagon offered the following resolution.

Resolved, That B. Seguin be allowed to withdraw the bill and accompanying documents, presented to the Senate for his relief.

Adopted.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to provide for the Incorporation of Railroad Companies," passed April twenty-second, one thousand eight hundred and fifty-three, and also the several Acts amendatory thereof.

Read first and second times, and referred to the Committee on Corpo-

rations, and the usual number of copies ordered printed.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 13, 1860.

Mr. President:—The Assembly on the tenth inst. passed Assembly Bill, No. 439, An Act to declare Green Valley Creek in the County of Solano a Navigable Stream;

Also, Assembly Bill, No. 441, An Act to authorize John J. Tomlinson and Associates to Build a Wharf at the Port of San Pedro in the County

of Los Angeles.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 439, An Act to declare Green Valley Creek in the County of Solano a Navigable Stream—was read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill, No. 441, An Act to authorize John J. Tomlinson and Associates to Build a Wharf at the Port of San Pedro in the County of Los Angeles—was read first and second times, and referred to the Senator from that County.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, April 12, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 86, An Act to Ratify and Confirm Order Number One Hundred and Seventy-Two of the Board of Supervisors of the City and County of San Francisco.

JOHN G. DOWNEY,

Governor.

Mr. Clark, by leave, introduced a bill for an act entitled An Act to authorize the Secretary of State to sell certain Refuse Stationery belonging to the State.

Read first and second times.

On motion of Mr. Clark, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Clark, the rules were further suspended, the bill

considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

REPORT.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. President:—Your Committee on Contingent Expenses, to whom were referred certain accounts herein set forth, have examined the same, and recommend the payment thereof out of the Contingent Fund of the Senate:

Purpose.	Amount.
Charles T. Botts, for Newspapers Geo. J. Lytle, for Newspapers	\$40 50 35 30
Total	\$75 80

C. J. LANSING,

Chairman.

Adopted.

Mr. Leet gave notice that he would, on Wednesday the eighteenth of April, one thousand eight hundred and sixty, introduce a bill for An Act to provide for Calling and Holding a Convention to Revise and Change the Constitution of the State of California,

INTRODUCTION OF BILLS.

Mr. Kirkpatrick, by leave, introduced a bill for an act entitled An Act to provide for the Report and Decisions of the Supreme Court.

Read first and second times, and referred to the Judiciary Committee.

Mr. Ryan, by leave, introduced a bill for an act entitled An Act to
provide for the Collection and Removal of Indians in the Counties of
Mendocino and Humboldt.

Read first and second times and referred to the Committee on Military fairs.

Mr. Sharp, by leave, introduced a bill for an act entitled An Act granting to Henry B. Tichnor and his Assigns the right to Construct and use a Marine Railway, Dry Dock, and Shipyard, in the City and County of San Francisco.

Read first and second times.

Mr. Chase moved to refer the bill to the Committee on Commerce and

Navigation.

Upon which, the ayes and noes were demanded, by Messrs. Peachy, Sharp, and Parker, and taken with the following result: Ayes, 13—noes, 11:

AYES-Messrs. Anderson, Chase, Eagon, Franklin, Haynes, Kirkpatrick, Lansing, Leet, O'Farrell, Quinn, Ryan, Titus, and Wheeler-13.

Noes-Messrs. Bradley, Clark, De la Guerra, McDonald, Parker, Parks, Peachy, Phelps, Redman, Sharp, and Watkins-11.

So the bill was so referred.

Mr. O'Farrell, Chairman of the Committee on Public Lands, made the following report:

Mr. President:—Your committee to whom was referred Assembly Bill, No. 203, An Act to provide for Recording Notice of Claims to Private Land Grants in this State, have had the same under consideration, and recommend its passage.

O'FARRELL, Chairman.

Placed on file.

GENERAL FILE.

Assembly Bill, No. 205, An Act amendatory of, and supplemental to, an Act entitled "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-four, and of the several acts amendatory thereof—was considered in Committee of the Whole.

IN SENATE.

Mr. Watkins moved to make the bill the special order for Monday, April sixteenth, at thirty minutes past eleven, A. M.

Lost.

The bill was further considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Wheeler, by request, gave notice that he would on Monday, move for a reconsideration of the vote just taken.

Senate Bill, No. 163, An Act concerning Publications-was read a third

time and passed.

On motion of Mr. Clark, the rules were suspended, and Senate Bill, No. 257, An Act to pay the Fees of Attorneys in certain Cases, in which the State is interested, was taken up, and considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Bradley, the rules were further suspended, the bill considered engrossed, read a third time and passed, and transmitted to the Assembly.

Mr. Bradley moved that the Senate do now adjourn.

Lost.

Mr. Vance made the following minority report:

Mr. PRESIDENT:—The undersigned, a minority of the committee to whom was referred Senate Bill, No. 266, An Act to more perfectly Define the Dividing Line between the Counties of Butte and Yuba, beg leave to

submit the following report:

First—The territory asked for in the bill, to be stricken off from the county of Yuba, and annexed to the county of Butte, has always from the formation of Butte County, been considered in said county, until recently, a law was passed authorizing the line between said counties of Butte and Yuba, to be marked out, when by the decision of the Surveyor-General of the State, said territory was decided to be in Yuba County.

Second—The citizens of said territory are dissatisfied with the decision of the Surveyor-General, when he declared that said territory was in

Yuba County, and have unanimously petitioned the Legislature to be set back in Butte County.

Third-The Surveyor-General himself has certified that the citizens

of said territory do desire to be set back in Butte County.

Fourth—Inasmuch as the citizens of said territory have never considered themselves in Yuba County, and have always paid taxes in Butte; and now at this time, the hospital in Butte County contain the indigent of said territory, and that heretofore Yuba County has refused to recognise them as belonging to her jurisdiction, and as before said, the citizens of said territory desire unanimously to be set back in Butte County, we recommend that the bill pass.

J. M. VANCE, S. A. BALLOU.

Placed on file.

GENERAL FILE, RESUMED.

Senate Bill, No. 117, An Act to provide for the Payment of Two Hundred and Fifty Thousand Dollars of the Outstanding Indebtedness of the State.

On motion of Mr. Chase, placed at the foot of the file.

Senate Bill, No. 11, An Act to appropriate Money for the Payment of certain Claims.

On motion of Mr. Dent, placed at the foot of the file.

On motion of Mr. Sharp, Senate Bill, No. 242, An Act to authorize and direct the Treasurer of the State of California to pay over to F. J. Thibault certain Audited Claims, was taken from the table and placed on file.

On motion of Mr. Leet, Senate Bill, No. 100, An Act to provide for the better observance of the Sabbath, was taken from the table and placed on

file.

Mr. Parker moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Bradley, Ballou, Chase, Crittenden, Denver, Edgerton, Haynes, Merritt, Phelps, Titus, Watkins, and Wheeler.

The Sergeant-at-Arms was dispatched for absentces.

Mr. Quinn moved to dispense with further proceedings under the call.

Mr. Clark moved to dispense with further proceedings under the call.

Mr. Anderson moved that the Senate do now adjourn.

Lost

On motion of Mr. Phelps, the motion to reconsider the vote whereby Senate Bill, No. 151, An Act to provide for the Payment of a Digest of the Decisions of the Supreme Court, and for the Distribution of the same, was indefinitely postponed, was made the special order for Tuesday, April seventeenth, at two, P. M.

Senate Bill, No. 119, An Act making an Appropriation for the Payment of D. J. Snyder, for Services rendered by him—was considered in Com-

mittee of the Whole.

IN SENATE.

On motion of Mr. McDonald, the rules were suspended, the bill considered engrossed, read a third time and passed, and transmitted to the Assembly.

Senate Bill, No. 233, An Act to establish an Eye and Ear Infirmary—

was indefinitely postponed.

REPORTS.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee on Enrolled Bills have examined and find correctly enrolled Senate Bill, No. 167, entitled An Act in relation to a Sea-Wall or Bulkhead, in the City and County of San Francisco, and at six minutes before one o'clock, p. m. of this day, I delivered the same to the Governor.

A. St. C. DENVER,

Chairman.

Report accepted.

Mr. Crittenden, Chairman of the Committee on Counties and County Boundaries, made the following report:

Mr. President:—Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill, No. 422, An Act to amend "An Act to alter and define the Boundary Line of Tehama County," approved April nineteenth, one thousand eight hundred and fifty-nine, have had the same under consideration, and beg leave to report it back, and recommend its indefinite postponement.

CRITTENDEN, Chairman.

Placed on file.

Assembly Concurrent Resolution, No. 43, Relative to Amendments to

Constitution—was indefinitely postponed.

Mr. Leet moved to make the motion to reconsider the vote whereby the Senate refused to pass Senate Bill, No. 245, An Act to provide for Funding the unpaid Interest on the War Debt, the special order for Monday, April sixteenth, at fifteen minutes past eleven, A. M.

Upon which, the ayes and noes were demanded, by Messrs. Parks, Logan, and Quinn, and taken with the following result: Ayes, 8—noes, 14:

AYES-Messrs. Chase, Eagon, Haynes, Leet, Logan, McDonald, Ryan,

and Wheeler-8.

Noes—Messrs. Anderson, Crittenden, Dent, Denver, Dickinson, Franklin, Lansing, Parks, Peachy, Phelps, Quinn, Redman, Sharp, and Titus—14.

So the motion was lost.

Mr. Quinn asked and obtained leave of absence for Mr. Vance, for two days.

Mr. Anderson asked and obtained leave of absence for Messrs. De la

Guerra and Pico, for two days each.

Mr. Titus asked and obtained leave of absence for Mr. Merritt, for one

day.

The question being on reconsidering the vote now, it was lost.

REPORTS.

Mr. De la Guerra made the following report:

Mr. President:—The delegation from the Second Senatorial District, to whom was referred Assembly Bill, No. 338, An Act to Incorporate the

City of Santa Barbara, have had the same under consideration, and herewith report the same back, and recommend its passage.

PABLO DE LA GUERRA.

Of the Second Senatorial District

Placed on file. On motion of Mr Peachy, the rules were suspended, and the bill censidered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. De la Guerra also made the following report :

Mr. PRESIDENT :- The delegation from the Second Senatorial District. to whom was referred Assembly B.H. No. 124. An Act to authorize J. C. Cissna to construct a Breakwater and Wharf at the Port of San Lyes Obispo, and providing for the same, have had the same under consideration, and report the same back, with amenements, and when so amended recommend its passage.

PABLO DE LA GUERRA.

On motion of Mr Quinn, the bill just reported was placed at the top of the file.

Mr Sharp moved that the Senate do now adjourn.

Lost.

GENERAL FILE RESUMED.

Assembly Bill, No. 124, An Act to authorize J. C. Cissna to construct a Breakwater and Wharf at the Port of San Lais Obispo, and providing for the same-was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in, bill read a third time and passed

On motion of Mr. Logan, Assembly Bill, No. 422, An Act to amend "An Act to alter and define the Boundary Line of Tehama County," approved April nineteenth, one thousand eight hundred and fifty-nine," was taken from file and indefinitely postponed.

On motion of Mr. Sharp, the Sonate adjourned.

L. N. QUINN. President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER. Monday, April 16, 1860.

Senate met pursuant to adjournment.

Roll called. Journal of Saturday read and approved.

Mr Kirkpatrick, asked and obtained indefinite leave of absence for Mr Merritt, on account of sickness.

REPORTS.

Mr. Anderson, of Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Senate Bill, No. 14, entitled An Act for the Relief of A. R. Meloney, have had the same under consideration, and report the bill back, and recommend that it be indefinitely postponed.

Your committee have also had under advisement, a petition of Joseph Yerkes, and one from John White, and report them back with a bill, and

recommend its passage.

Your committe have also had under consideration Senate Bill, No. 256, entitled An Act to procure a Conveyance by John Center, to the State, of certain Real and Personal Property, at, and near the State Prison, and report the bill back, and recommend that it be indefinitely postponed.

Messrs. Anderson, Peachy, and Wheeler, recommending its indefinite

postponement.

Messrs. Redman, and Sharp, recommending its passage.

Your committee have also had under advisement, a Communication from the Supreme Court Reporter, and recommend that the proposition be not accepted.

ANDERSON,

Chairman pro tem. of Judiciary Committee.

Placed on file.

Mr. O'Farrell, Chairman of the Committee on Public Lands, made the following report:

Mr. PRESIDENT:—Your committee to whom was referred Assembly Bill, No. 184, An Act to authorize the Issuance of Duplicates for certain lost School Land Warrants, have had the same under consideration, and report the same back, and recommend its passage.

O'FARRELL,

Chairman.

Placed on file.

Mr. Logan, of Committee on Engrossment, made the following report:

Mr. President:—The Committee on Engrossed Bills, have examined Senate Bill, No. 291, An Act to Create the Office of State Geologist, and define the Duties thereof, and find the same correctly engrossed.

J. LOGAN,

Of Committee.

Report accepted.

Mr. Parker, of the San Francisco Delegation, made the following report:

Mr. President:—The delegation from the Fifth Senatorial District, to whom was referred Assembly Bill, No. 448, An Act to authorize William Norris, Administrator of the Estate left unadministered, of the Estate of James Blair, deceased, to sell Real Estate of said deceased at Private Sale, have had the same under consideration, and recommend the passage of the same without amendment.

J. H. PARKER,

Placed on file. For Delegation.

On motion of Mr. Parker, the rules were suspended, the bill read a third time and passed.

Mr. Parker, of the San Francisco Delegation, made the following report:

Mr. President:—The delegation from the Fifth Senatorial District, to whom was referred Assembly Bill, No. 410, An Act to authorize the Executrix of William B. Olds, deceased, to sell Real Estate of her Testator at Private Sale, have had the same under consideration, and recommend its passage without amendment.

S. H. PARKER,

For Delegation.

Placed on file.

On motion of Mr. Parker, the rules were suspended, the bill read a third time and passed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, April 14, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have approved Senate Bill, No. 210. An Act to Define and Establish the Eastern Boundary of the State of California.

JOHN G. DOWNEY,

Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 16, 1860

Mr. President:—The Assembly on the fourteenth instant, passed Senate Bill, No. 261, An Act to audit and allow the Claim of J. W. Warner;

Also, Senate Bill, No. 241, An Act to provide for the Location of the

County Seat of Yolo County;

Also, Senate Bill, No. 273. An Act to authorize Joshua Chadbourne, and Josiah Bacon, to Construct and Maintain a Wharf at Lakeville, in the County of Sonoma;
Also, Senate Bill, No. 292, An Act making Appropriations for Deficien-

Also, Senate Bill, No. 292, An Act making Appropriations for Deficiencies made for the Eleventh Fiscal Year, ending June thirtieth, one thou-

sand eight hundred and sixty, with an amendment;

Also, concurred in Senate amendments to Assembly Bill, No. 238, An Act to authorize the Beard of Supervisors of the City and County of Sacramento, to allow, and the Auditor to audit, a Claim of Thomas C. Faris;

Also, adopted Assembly Concurrent Resolution, No. 69, Relative to the Indian Reserves in California.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Senate concurred in Assembly amendments to Senate Bill, No. 292, An Act making Appropriations for Deficiencies made for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty.

Assembly Concurrent Resolution, No. 69, Relative to the Indian Reserves in California, was taken up and concurred in.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly ('hamber, April 16, 1860. }

Mr. President:—The Assembly on the fourteenth instant, passed Assembly Bill, No. 472, An Act concerning Roads and Highways in the

County of Placer;

Also, Assembly Bill, No. 476, An Act to extend the provisions of an Act approved April seventh, one thousand eight hundred an fifty-seven, entitled "An Act to amend an Act to Regulate Proceedings in Criminal Cases," passed May first one thousand eight hundred and fifty-one, approved March twenty-second, one thousand eight hundred and fifty-six;

sand eight hundred and fifty-six;
Also, Assembly Bill, No. 411, An Act for the Relief of the Sureties upon the Official Bonds of Jesse Wells, late Treasurer of Humboldt County;

Also, Senate Bill. No. 228, An Act amendatory of an Act entitled "An Act to establish Pilots and Pilot Regulations for Humboldt Bay and Bar;"

Also, Senate Bill, No. 139, An Act to amend An Act to Authorize the Counties of the State of California to become Stockholders in Railroad Companies," approved April sixteenth, one thousand eight hundred and fiftynine:

Also, Senate Bill, No. 286, An Act to authorize the Administrator of the Estate of Albert Wardwell, deceased, to sell the Real Estate of said

deceased at Public or Private Sale;

Also, Senate Bill, No. 281, An Act to amend an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and other acts amendatory thereto.

R. K. WESTON,
Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 472, An Act concerning Roads and Highways in the County of Placer—was read first and second times, and referred to the

delegation from that county.

Assembly Bill, No. 476, An Act to extend the provisions of an Act approved April seventh, one thousand eight hundred and fifty-seven, entitled "An Act to amend an Act entitled "An Act to amend an Act to Regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one, approved March twenty second, one thousand eight hundred and fifty-six—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 411, An Act for the Relief of the Sureties upon the Official Bonds of Jesse Wells, late Treasurer of Humboldt County—was read first and second times, and referred to the Committee on Claims.

Mr. Sharp, Chairman of the Committee on Public Expenditures, made the following report:

Mr. President:—Your Committee on Public Expenditures have examined the copying done for the Senate, up to date, and find it as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal For Printer	790	~ "	79 00
Statistics and Statements. For Printer.		4 /	221 10 147 49
Totals	4.52%		\$566 00

Examined, audited and allowed.

SOL. A. SHARP, Chairman.

Adopted.

INTRODUCTION OF BILLS.

Mr. Anderson gave notice that he would on to-morrow move to amend Standing Rule of the Senate. Number Twenty-Seven, by striking out the word "eleven," where it occurs in the first line, and inserting instead thereof the word "ten."

Mr. Wheeler, by leave, introduced a bill for an act entitled An Act to amend An Act entitled "An Act authorizing the Construction of a Telegraph Line from the City of San Francisco to the City of Los Augeles," approved March eightcenth, one thousand eight hundred and fitty-eight.

Read first and second times, and referred to the Committee on Internal

Improvements.

Mr. Logan, by leave, introduced a bill for an act entitled An Act to provide for the Collection of Delinquent Taxes in Colusa County.

Read first and second times.

On motion of Mr. Logan, the rules were suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted to the

Assembly.

Mr. Wheeler moved to make the motion to reconsider the vote whereby the Senate passed Assembly Bill, No. 205, An Act amendatory of, and supplemental to, an Act entitled "An Act to Establish Pilots and Pilot Regulations for the Port of San Francisco." passed May eleventh, one thousand eight hundred and fifty-four, and of the several Acts amendatory thereof, the special order for to-morrow at two, P. M.

Lost.

The question being on reconsidering the vote now,

On motion of Mr. Redman, the motion to reconsider was indefinitely

postponed.

Mr. Dent, by leave, introduced a bill for an act entitled An act to provide for the Laying out and Construction of certain Public Roads in the County of San Joaquin, and to Compensate the Owners of Land taken for that purpose.

Read first and second times.

On motion of Mr. Dent, the rules were suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted to the Assembly.

On motion of Mr. Clark, the rules were suspended, and Assembly Bill, No. 130, An Act for the Relief of Witnesses in Criminal Cases in the City and County of Sacramento-was taken up and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

On motion of Mr. Redman, the rules were suspended, and Assembly Bill, No. 233, An Act amendatory of, and supplementary to, "An Act to Establish, Support, and Regulate, Common Schools, and to Repeal former Acts concerning the same," approved May third, one thousand eight hundred and fifty-five-was taken up, and considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Phelps, the bill was placed at the top of the file.

FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, April 16, 1860.

Mr. PRESIDENT: - I am directed to inform the Senate, that the Assembly has this day passed resolutions (which are herewith presented) relative to the death of the Hon. John C. Bell, late member of the Assembly from the county of El Dorado.

Respectfully,

J. M. ANDERSON.

Clerk of Assembly.

Mr. Dickinson offered the following resolutions:

Resolved, That the Senate of the State of California has received, with the deepest sensibility, intelligence of the death of John C. Bell, late a member of the Assembly of this State.

Resolved, That the officers and members of the Senate will wear the usual badge of mourning for thirty days, as a testimony of the profound

respect entertained for the memory of the deceased.

Resolved, That the officers and members of the Senate of California, in a body, will attend the funeral of John C. Bell, at the time appointed for that purpose by the Assembly.

Resolved, That the proceedings of this Senate, in relation to the death of John C. Bell, be communicated to the family of the deceased by the

Secretary.

Resolved. That as a further mark of respect for the memory of the deceased, this Senate do now adjourn.

The resolutions were unanimously adopted, and the Senate adjourned. I. N. QUINN.

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER.

Tuesday, April 17, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

REPORTS.

Mr. Wheeler, Chairman of the Committee on Internal Improvements, made the following report:

Mr. President:-The Committee on Internal Improvements, to whom was referred Senate Bill, No 302, An Act to amend "An Act authorizing the Construction of a Telegraph Line from the City of San Francisco to the City of Los Angeles," approved March eighteenth, one thousand eight hundred and fifty-eight, having had the same under consideration, herewith report it back and recommend its passage.

E. D. WHEELER.

Chairman.

Placed on file.

Mr. Anderson, Chairman of the Committee on Corporations, made the following report:

Mr. President:—The Committee on Corporations, have had under advisement Senate Bill, No. 293, An Act to amend an Act entitled "An Act to provide for the Incorporation of Railroad Companies," passed April twenty-two, one thousand eight hundred and fifty-three, and also the several Acts amendatory thereof, and herewith return the same, and recommend that the same be indefinitely postponed;

Also, Assembly Bill, No. 49, An Act to grant to A. P. Overton, and others whom he may associate with him, and their Assigns, the Right of Laying a Railroad Track along certain Streets in the City of Petaluma, and herewith return the annexed amendment, and recommend the pas-

sage of the bill when so amended.

Amend section two, by adding the following thereto:

Provided, always, that said Overton, his associates, and his or their assigns, shall first obtain permission from the corporate authorities of said City or Town of Petaluma, before laying down said Railroad Track in any part of the corporate limits of said city or town.

ANDERSON.

Chairman.

Placed on file.

Mr. Watkins, Chairman of the Committee on Claims, made the following report:

Mr. President: -The Committee on Claims, to whom was referred Assembly Bill, No. 411, An Act for the Relief of the Sureties upon the Official Bonds of Jesse Wells, late Treasurer of Humboldt County, having examined the same, beg leave to report it back and recommend its passage.

WATKINS.

Chairman. Placed on file.

On motion of Mr. Ryan, the rules were suspended, and the bill just reported was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Pico, of the Los Angeles Delegation, made the following report:

Mr. President:—Your committee, to whom was referred Assembly Bill, No. 393, An Act authorizing to Levy a Special Tax in the County of Los Angeles, having had the same under consideration, report it back, recommending its passage.

A. PICO.

Placed on file.

Mr. Pico, of the Los Angeles Delegation, made the following further report:

Mr. President:—Your committee to whom was referred Assembly Bill, No. 381, having considered it, report it back with the recommendation that it pass.

A. PICO.

Placed on file.

Mr. Merritt, by leave, introduced a bill for an act entitled An Act supplementary to, and explanatory of, an Act entitled "An Act to authorize the Collection of State and County Taxes in the County of Mariposa," approved April sixth, one thousand eight hundred and sixty.

Read first and second times.

On motion of Mr. Merritt, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Merritt, the rules were further suspended, the bill considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

INTRODUCTION OF BILLS.

Mr. Leet, by leave, introduced a bill for an act entitled An Act amendatory of, and supplementary to, "An Act to Define and Establish the Eastern Boundary Line of California," approved April thirteen, one thousand eight hundred and sixty.

Read first and second times, and placed on file.

Mr. Peachy, by leave, introduced a bill for an act entitled An Act to authorize the Board of Supervisors of the City and County of San Francisco to Subscribe to the Capital Stock of the San Francisco and San José Railroad Company.

Read first and second times.

On motion of Mr. Peachy, the rules were suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted to the

Assembly.

Mr. Phelps, by leave, introduced a bill for an act entitled An Act to authorize the Board of Supervisors of the County of San Mateo to Subscribe to the Capital Stock of the San Francisco and San José Railroad Company.

Read first and second times.

On motion of Mr. Phelps, the rules were suspended, the bill considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

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Carried.

On motion of Mr. McDonald, the rules were suspended, and Assembly Bill, No. 184, An Act to authorize the Issuance of Duplicates for certain Lost State School Land Warrants, was taken up and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

INTRODUCTION OF BILLS.

Mr. Haynes, by leave, introduced a bill for an act entitled An Act to Fix the Times for the Meeting of the Board of Supervisors of Del Norte County.

Read first and second times.

On motion of Mr Haynes, the rules were suspended, the bill considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

Mr. Clark, by leave, introduced a bill for an act entitled An Act to provide Revenue for the Support of the Government of the State of Califor-

nia and the City and County of Sacramento.

Read first and second times, and referred to the Committee on Finance,

and the usual number of copies ordered printed.

On motion of Mr. Phelps, the rules were suspended, and Senate Bill, No. 275, An Act to audit and allow the Claim of Edmund Williamson & Co.—was taken up and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, April 16, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 246, An Act making an appropriation for Deficiency in the appropriation made for Salary of Controller of State for the Eleventh Fiscal year ending June thirteenth, one thousand eight hundred and sixty:

Also, Senate Bill, No. 147, An Act to amend an Act entitled "An Act to Incorporate the City of Placerville," approved March seventh, one

thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 276, An Act granting further Powers to the

Board of Supervisors of Amador County;

Also, Senate Bill, No. 270, An Act to authorize certain Parties therein named to Construct a Dam across the Guadalupe River in Santa Clara County;

Senate Concurrent Resolution, No. 49, in relation to the War Debt.

JOHN G. DOWNEY,

Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, April 16, 1860.

To the Honorable the Senate of California:

I transmit herewith to your Honorabie Body the Annual Report of the

State Agricultural Society, as delivered to me by the Secretary.

I would also respectfully call your attention to a resolution of the Board of Managers of said Society in reference to printing the report herewith inclosed.

All of which is respectfully submitted.

JOHN G. DOWNEY, Governor.

The message just read, and accompanying documents, were referred to the Committee on Agriculture.

State of California, Executive Department, Sacramento, April 16th, 1860.

To the Senate of California:

I have to inform your Honorable Body that I return herewith, without my approval. Senate Bill. No. 167, entitled An Act in relation to a Sea-

Wall or Bulkhead in the City and County of San Francisco.

This act grants to the San Francisco Dock and Wharf Company the right to build a balkhead, with the necessary wharfs, piers, and docks, appurtenant to the same, together with the right of charging dockage, wharfage, and tolls, thereat, in the city and county of San Franciscothe said sea wall or balkhead to be built upon the water line established by the Legislature, by the act of March twenty-sixth, one thous in leight hundred and titty one, "Relating to the disposition of certain Property of the State of California," and the works are not to be extended outside of said line, except where it may be necessary to complete the prescribed width of one hundred and ten feet. The extent of the work is limited to the junction of Channel and Third streets on the south, and the junction of Dup act and Beach streets on the north side of the city. bulkhead is to be constructed of stone and according to the plans and specifications to be adopted by the Board of Engineers, appointed by the conjoint action of the Governor, the Dock and Wharf Company, and the Board of Supervisors of the city and county of San Francisco, and is to be done in sections—the first of which, extending from Folsom to Vallein streets, is to be completed in six years from the time of the final report of the Board of Lagineers. A second section, of the same length as the first, is to be completed in six years from the time limited for building the first, and within another term of six years thereafter, a third section is to be built, consisting of the remaining portion of the entire line.

The act further arthorizes the Dock and Wharf Company, for the parpose of "the construction and maintenance of the works, franchises, privileges, and structures," referred to in it, to exercise the same rights respecting the appropriation of private and other property which are now, or which may hereafter be, extended by the laws of this State to railroad companies, and in express terms including the right under this provision to take possession of any franchises, rights, or lands, or interests in lands, wharfs, or rights of wharfage, belonging to the city and county of San Francisco, or vested in the Board known as the Commissioners of the Funded Debt, created under the act of one thousand eight hundred and fifty-one, and including, also, the right to take from the proprietors of water lots along the water front, the lots which they own, on mak

ing compensation as said railroad laws prescribe. The said Dock and Wharf Company are also empowered to construct wharfs and piers running along the line of the upper part of the sea-wall, and also to be projected out at right angles with it to a distance not exceeding six hundred feet.

The said company is required to execute a bond to the State in the sum of five hundred thousand dollars, with sureties, conditioned for the faithful performance of the conditions and requirements of the act; and the company is required to expend in the actual construction of their works at least one hundred thousand dollars within one year after the final report of the Board of Engineers, and at least two hundred and fifty thousand dollars each and every year thereafter until the said work shall be

completed.

Under the provisions of this act, the Dock and Wharf Company is authorized, in effect, from the date of its passage and the execution of the bond above mentioned, to take possession of the commercial front of the city of San Francisco, and of the revenues arising from dockage and wharfage, as well as of all wharfs, lands, franchises, rights, and property, of the State, the city, and of individual owners, which may be necessary for the construction or maintenance of their works and franchises, rendering compensation in cases where such compensation may legally be demanded under the railroad laws. The exclusive right to construct wharfs and piers, and to collect tolls, dockage, wharfage, is conferred upon the company. From the time of the passage of the act all commercial intercourse with San Francisco would effectually be cut off or be carried on upon such terms and under such restrictions as the interest of the Dock and Wharf Company might dictate within the limitations of the The products of every branch of domestic industry, as well as every article of foreign trade, all imports and exports, all vessels approaching the shore, and vehicles approaching the water, might be intercepted and subjected to the legal contribution. Foot passengers only, but not their baggage or effects, would be exempt by law from the customary tribute.

After giving this bill the most careful consideration in all its details, I am led to the irresistible conclusion that its provisions are not only in conflict with the Constitution and the principles of natural justice, but that the measure as a whole is calculated to work irreparable injury to our commerce, internal and external, of which San Francisco is, and must

forever remain, the metropolis.

The water front of San Francisco was established by the act of twenty-sixth of March, one thousand eight hundred and fifty-one, "providing for the disposition of the San Francisco beach and water lots." That act declares that the line established shall be and remain a permanent water front of said city, the authorities of which shall keep free and clear from all obstructions whatsoever the space beyond said line to the distance of five hundred yards therefrom. Maps were to be, and were, filed in the archives of the city and of the State, clearly designating the line established. This boundary is described as running along the outer line of each of the public streets encircling the water front which the act mentions by name, recognizes as existing, and in effect establishes as the riparian front of the city, and boundary of the lots to be disposed of as then already laid off and numbered upon the official map. The interest of the State in the water lots not disposed of by the act of the twentysixth of March, one thousand eight hundred and fifty-one, was sold by the State Board of Land Commissioners, under the act of the eighteenth of May, one thousand eight hundred and fifty-three, and first of May, one

thousand eight hundred and fifty-five, in both of which, as well as in all subsequent legislation and in the numerous deeds of conveyance executed by the city and State, the line established in one thousand eight hundred and fifty-one and the streets which it describes, are recognized as the permanent water front. Under these circumstances the water lots were originally disposed of, and advantages arising from the existence of a great, commercial, free thoroughfare around the city front, which could never be extended nor obstructed, doubtless augmented the price originally paid for the property, especially for the front lots. This important consideration has also constituted the basis of numerous subsequent transfers, transactions, and investments. The State has received into its treasury its portion of the increased value, which its solemn contracts and

pledged faith gave to the property.

The San Francisco Consolidation Act (section thirty-eight) also recognizes the existence of these streets, and section fifty four as amended by the act of the twenty-eighth of March, one thousand eight hundred and fifty-nine, expressly reestablishes and confirms them, enacting that all the original streets as laid down upon the official map of said city and county, and all other streets dedicated to the public use as such, are declared open, public streets. The former section (thirty-eight) provides that the streets constituting the water front shall be constructed and kept in repair at the joint expense of the city and county and of the property bounded upon them, the outer portion to be done by the city and county, and the inner portion by the property holders. The said streets being generally one hundred and thirty-seven and a half feet wide, the outer work, which would be sixty-eight feet nine inches wide, if constructed by the city and county, as the Consolidation Act prescribes, would constitute a sufficient bulkhead, and all that ever would be required; provided that the work were executed in a mode sufficiently strong and durable. This might probably be done as fast as necessary, with the very revenues which the present bill proposes to grant to the Dock and Wharf Company, and thus the freedom of commerce and the inviolability of contract might be maintained.

By the first section of the act of May first, one thousand eight hundred and fifty-one, the city of San Francisco is authorized to construct wharfs at the ends of all the streets commencing with the bay of San Francisco, the wharfs to be made by the extension of the streets into the bay, in their present direction, not exceeding two hundred yards beyond the present outside line of the beach and water lots, and the city is also authorized to prescribe the rates of wharfage that shall be collected on said wharfs when constructed. It is further declared that the spaces between the wharfs so constructed and outside the line of beach and water lot property, as defined by the Legislature, should remain free from obstructions, and be used as public slips for the accommodation and benefit of the general commerce of the city and State. The seventy-fourth section of the Consolidation Act, subdivision seventh, fully empowers the Board of Supervisors of the city and county of San Francisco, to provide for the erection, repair, and regulation of wharfs and docks, and fixing the rates of wharfage thereat, thus confirming to the fullest extent, the rights and franchise granted in the act of May first, one thousand eight hundred and fifty-one, and investing the Municipal Board with the requisite powers on the subject.

There is no public object contemplated by the present bill but what has already been provided for by the various enactments referred to, and the franchise which it proposes to confer upon the Dock and Wharf Company

has, by a previous grant, been irrevocably disposed of. The right to construct the front streets, or to build a bulkhead, with the necessary wharfs, piers, and docks, with the right and duty to provide for the repair and regulation of these works, including the right to collect and fix the rates of wharfage, tolls, and dockage, has heretofore been granted to the city and county of San Francisco, though not in the same words adopted in this bill, yet in terms not less comprehensive and effectual.

Assured by such legislation, the city has heretofore constructed wharfs for the accommodation of commerce, under various contracts, which, in several cases, where defectively executed, have been confirmed by special

legislative acts.

These wharfs have been leased out for terms of years which, in most cases, will expire in one thousand eight hundred and sixty-two. The rents of some of these are placed under the control of the Commissioners of the Funded Debt of one thousand eight hundred and fifty-one, and are sacredly pledged for the payment of the city indebtedness. I do not intend to intimate an opinion that, under existing legislation, the city and county of San Francisco is invested with the exclusive right to build wharfs and collect wharfage, except outside of the water front; nor but that, under the present or any constitutional legislation on the subject, the entire water front of San Francisco would be as free to those engaged in trade, as the sea shore, or any public highway in the State, subject only to such regulations as the city or State, in the exercise of the necessary powers of government, independent of any right of property, may think proper to impose for the benefit of trade or the maintenance of public order.

It would doubtless be the true policy of the State to maintain that freedom to the fullest extent to which it now exists. In the adoption and maintenance of this policy, the disposition and interests of San Francisco,

as well as the State at large, would be in perfect harmony.

This bill, then, attempts to divest and impair rights of property, growing out of previous acts of the Legislature, which are to be regarded as contracts. It also empowers the Dock and Wharf Company to take and appropriate private property not for any such public use, as is contemplated by the constitutional provisions on the subject, but to facilitate a private enterprise, and augment the profits of its stockholders.

I regard the bill, therefore, as plainly repugnant to section ten, article one, of the Federal Constitution, and to section sixteen, article one, of

the Constitution of this State.

The State, on the ground of the highest policy, as well as of natural justice, should regard its faith, in whatever form given, and the rights of private property as inviolable. The habitual disregard of the one or the other, would destroy industry and arrest all useful progress. Property legitimately acquired is the product and the reward of labor, if it be not secure, men will not work for it, and universal indolence and crime will succeed.

Besides the unconstitutionality of the measure under consideration, I deem it my imperative duty to withhold the executive sanction for other reasons not less cogent. On any ordinary grounds of State policy I should defer to the opinions of a majority of the two houses of the Legislature. But when a proposed measure is calculated, as I believe this is, to bring upon the State great and irreparable injury, I conceive it my duty to assume the responsibility and arrest it.

Monopolies are odious. They are especially repugnant to the genius of our government, and the habits and opinions of our people. They are to

be tolerated only in cases of great necessity, a condition which does not

exist with respect to the objects proposed by this bill.

The nature of the franchise which it grants, and which has been sought with great avidity for nearly five years, has been estimated at several millions of dollars, and it has been reasonably calculated that the net receipts of the existing wharfs, at the expiration of the present leases (say in one thousand eight hundred and sixty-two), will amount to half a million of dollars annually. All this is donated to the Dock and Wharf Company. With the income arising from the profits, granted without any additional capital, the company might probably build the contemplated works, as the city or State might do if those funds were retained. In the latter case the works would be public property and the income would go into the public treasury. In return for these large and perpetually increasing revenues what does the State receive? Five per cent. of the gross amount realized by the Dock and Wharf Company, to be placed to the credit of the State School Fund. In effect, the company refunds for school purposes a very small portion of the donation. It receives from the State one hundred dollars, and gives back five out of the amount received. It would afford some relief to those who bear the burden of government to get back even that small portion of what the State parted with without consideration. But this five per cent, is necessarily made an additional tax upon our commerce, and in case the State or city should repurchase or the works revert, every dollar thus received into the School Fund would have to be repaid to the Dock and Wharf Company with interest.

The Dock and Wharf Company once invested with the franchise and revenue granted by the act, if it should become a law, would in a short time, by means of its vast capital and exclusive privileges, be able to control, to a great extent, the commerce as well as the legislation and politics of the city and State. It would by degrees monopolize every important branch of trade. It might use its power to control the market, producing an inflation or depression as its interests might dictate. Thousands of laborers, constantly depending upon the company or its policy for employment, might at any time, to secure its purposes, be deprived of their only means of subsistence. The power and influence of the company would also in time easily procure a removal of all restrictions, and the right of repurchase and reversion contained in this bill would be compromised and surrendered. The franchise would then become perpetual in terms as under this bill it is now in effect. No greater injury could be inflicted upon the State than to expose her commerce to the domination of such an establishment. San Francisco herself would suffer less by it than the producers and consumers of other parts of the country, who would be dependent on her market. The burdens imposed would fail chiefly upon them. Bul all alike have a common interest in the establishment and maintenance of free trade

For these reasons, I cannot conscientiously sign this bill.

JOHN G. DOWNEY.

Mr. Anderson moved to make the message and bill the special order for Friday, April twentieth, at twenty minutes past ten. A. M.

Upon which the ayes and noes were demanded, by Messrs. Redman,

Crittenden, and Parker.

Pending which, Mr. Anderson moved a call of the Senate.

Upon which the ayes and noes were demanded, by Messrs. Bradley,

Dickinson, and Parks, and taken with the following result: Ayes, 27-noes, 3:

AYES-Messrs. Anderson, Bradley, Ballou, Clark, Chase, Crittenden, De la Guerra, Dent, Denver, Dickinson, Franklin, Kirkpatrick, Leet, Logan, McDonald, Merritt, Parker, Peachy, Phelps, Pico, Quinn, Redman, Ryan, Sharp, Titus, Vance, and Wheeler-27.

Noes-Messrs. Haynes, O'Farrell, and Parks-3.

So the motion was carried.

Roll called.

Absent-Mr. Watkins.

The Sergeant-at-Arms was dispatched for absentee.

On motion of Mr. Sharp, further proceedings under the call was dispensed with.

The question now recurring on making the message the special order.
Upon which the ayes and noes had been demanded, and were taken with the following result: Ayes, 16—noes, 15:

AYES—Messrs. Anderson, Bradley, Ballou, Clark, Chase, Denver, Dickinson, Eagon, Franklin, Lansing, Leet, Logan, Pico, Titus, Vance, and Wheeler—16.

Noes-Messrs. De la Guerra, Dent, Haynes, Kirkpatrick, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Quinn, Redman, Ryan, and Sharp-15.

So the motion was carried.

Mr. Crittenden paired of with Mr. Watkins.

GENERAL FILE.

Assembly Bill, No. 233, An Act amendatory of, and supplementary to, "An Act to Establish, Support, and Regulate, Common Schools, and to repeal former Acts concerning the same," approved May third, one thousand eight hundred and fifty-five—was considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Bradley, pursuant to notice, introduced a bill for an act entitled An Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax for the Construction of a Wagon Road.

Read first and second times.

On motion of Mr. Merritt, the bill was placed at the top of the file.

GENERAL FILE, RESUMED.

Senate Bill, No. 309, An Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax for the Construction of a Wagon Road—was considered in Committee of the Whole.

IN SENATE:

On motion of Mr. Anderson, the rules were suspended, the bill considered engrossed, read a third time, and passed, and the bill sent to the Assembly.

Senate Bill, No. 199, An Act for the more thorough Distribution of the Laws of this State—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Titus, the bill was indefinitely postponed.

On motion of Mr. Denver, Assembly Bill, No. 192, An Act to provide for the Construction of a Railroad from a point on Petaluma Creek into the City of Petaluma, and for the right of way for the same—was placed at the top of the file, and considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, and bill read a third time.

On motion of Mr. Dickinson, the vote was reconsidered, by which the bill was ordered read a third time, and the bill further considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, bill read a third time, and passed.

Mr. Anderson gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

President pro tem. in the Chair.

Assembly Bill, No. 322, An Act to authorize Daniel Sink and Associates to Construct a Turnpike Road through Russian River Cañon—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Sharp, the bill was laid on the table.

Senate Bill, No. 222, An Act to provide for the Safe and Speedy Transportation of the State Funds from the Offices of the County Treasurers to the State Treasury—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Sharp, the bill was indefinitely postponed.

SPECIAL ORDER.

Senate Bill. No. 290, An Act appropriating Money for the Completion of a Wagon Road over the Sierra Nevada—was considered in Committee of the Whole.

IN SENATE.

Mr. Crittenden moved to suspend the rules, consider the bill engrossed, read a third time, and put upon its passage.

Lost.

The bill was further considered in Committee of the Whole.

IN SENATE.

Mr. Leet moved a call of the Senate.

Lost.

The question being on ordering the bill engrossed, and read a third time, the ayes and noes were demanded, by Messrs. Bradley, Eagon, and Leet, and taken with the following result: Ayes, 18—noes, 9:

AYES-Messrs. Clark, Crittenden, De la Guerra, Denver, Dickinson, Haynes, Logan, Merritt, Parker, Peachy, Phelps, Pico, Quinn, Redman, Ryan, Sharp, Titus, and Wheeler-18.

Noes-Messrs. Bradley, Ballou, Chase, Dent, Eagon, Kirkpatrick,

Lansing, Leet, and McDonald-9.

So the bill was ordered engrossed, and read a third time. Mr. Bradley moved that the Senate do now adjourn. Lost.

FURTHER SPECIAL ORDER.

Senate Bill, No. 151, An Act to provide for the Payment of a Digest of the Decisions of the Supreme Court, and for the Distribution of the same.

The question being on reconsidering the vote by which the Senate in-

definitely postponed the bill.

Upon which the ayes and noes were demanded, by Messrs. Quinn, Bradley, and Dickinson, and taken with the following result: Ayes, 14—noes, 9:

AYES—Messrs. Ballou, Clark, Dent, Denver, Eagon, Kirkpatrick, Lansing, Merritt, Parker, Phelps, Ryan, Sharp, Titus, and Wheeler—14.

Noes-Messrs. Bradley, Chase, De la Guerra, Dickinson, Logan, Mc-Donald, Peachy, Pico, and Quinn-9.

So the vote was reconsidered.

Mr. Quinn moved that the Senate do now adjourn.

Lost.

Mr. Quinn moved a call of the Senate.

Lost.

On motion of Mr. Chase, the Senate adjourned.

1. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of Senate.

IN SENATE.

Senate Chamber, Wednesday, April 18, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

REPORTS.

Mr. Titus, of Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 290, An Act appropriating Money for the Completion of a Wagon Road over the Sierra Nevada, and find the same correctly engrossed.

J. S. TITUS, Of Committee. Report accepted.

Mr. Titus, Chairman of the Committee on State Hospitals, made the following report:

Mr. President:—The Committee on State Hospitals, to whom was referred Senate Bill, No. 288, An Act amendatory of an Act entitled "An Act to establish an Asylum for the Insane of the State of California," passed May seventeenth, one thousand eight hundred and fifty-three, approved April fourteenth, one thousand eight hundred and fifty-eight, have had the same under consideration, and beg leave to report it back, with an additional section, recommending its passage.

J. S. TITUS,

Chairman Committee on State Hospitals.

Placed on file.

On motion of Mr. Titus, the rules were suspended, and the bill just reported taken up, considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Titus, the rules were further suspended, the bill considered engrossed, read a third time and passed.

Mr. Denver, Chairman of the Committee on Enrollment, made the fol-

lowing report:

Mr. President:—The Committee on Enrolled Bills have examined and found correctly enrolled Senate Bill, No. 5, An Act to authorize the establishment of County Infirmaries for the Relief of the Indigent, and to amend an Act entitled "An Act to provide for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five, and have this day taken the same to the Governor at twenty minutes past eleven o'clock, A. M.

A. St. C. DENVER,

Chairman.

Report accepted.

Mr. Redman, by leave, introduced a bill for an act entitled An Act to authorize the Board of Supervisors of Santa Clara County to subscribe to the Capital Stock of the San Francisco and San José Railroad Company.

Read first and second times.

On motion of Mr. Redman, the rules were suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 18, 1860.

Mr. President:—I am directed to inform the Senate that the Assembly adopted a Concurrent Resolution, (which is herewith reported.) Relative to printing the Reports of the Proceedings in the Assembly and Senate, in honor of the memory of John C. Bell, late member of the Assembly from the County of El Dorado.

J. M. ANDERSON, Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution, No. 72, Relative to printing nine hundred and sixty copies of Proceedings of the Legislature in regard to the Death of the late Hon. John C. Bell—was taken up and concurred in.

Mr. Sharp offered the following resolution:

Resolved, That the Controller be, and he is hereby, authorized to draw his warrant on the Contingent Fund of the Senate, in favor of James Sweeny, for the sum of one dollar per day extra, to date from his appointment as Porter of the Committee on Claims, until the close of the session.

Adopted.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 18, 1860.

Mr. President:—The Assembly on yesterday passed Assembly Bill, No. 456, An Act to authorize the County Recorder of Shasta County to

Transcribe certain Records, and to Legalize the same;

Also, substitute for Assembly Bill, No. 318, An Act to provide for the Election of a Board of Supervisors in the County of El Dorado, and to define their Powers and Duties, and to provide for their Compensation; Also, Senate Bill, No. 274, An Act to Release certain Judgments;

Also, Senate Bill, No. 271, An Act authorizing the Board of Supervisors of the City and County of Sacramento to levy a Special Tax, with amendments.

R. K. WESTON,

Ass't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 456, An Act to authorize the County Recorder of Shasta County to Transcribe certain Records, and to Legalize the same—was read first and second times, and referred to the delegation from that county;

Assembly Bill, No. 318, An Act to provide for the Election of a Board of Supervisors in the County of El Dorado, and to define their Powers,

and Duties, and to provide for their Compensation.

Read first and second times, and referred to the El Dorado Delegation.

Assembly amendments to Senate Bill, No. 271, An Act authorizing the Board of Supervisors of the City and County of Sacramento, to Levy a Special Tax, was concurred in.

Mr. Vance offered the following resolution:

Resolved, That Dan Yoacham, be, and he is hereby, allowed two dollars per day from the beginning to the end of the Session, as Extra Pay for services as Minute Clerk of the Senate, payable out of the Contingent Fund of the Senate, and the Controller is authorized to draw his warrant for the same.

Upon the adoption of which, the ayes and noes were demanded by Messrs. Ryan, Vance, and Eagon, and taken with the following result: Ayes, 9—noes, 11:

43sen

AYES-Messrs. Anderson, Crittenden, Haynes, Kirkpatrick, Parker,

Ryan, Titus, Vance, and Watkins-9.

Nors-Messrs, Clark, Dent, Denver, Dickinson, Eagon, Logan, McDon-ald, Parks, Quinn, Redman, and Wheeler-11.

So the resolution was lost.

Mr. Anderson, by leave, introduced a bill for an act entitled An Act to authorize the Town of Auburn, to take and subscribe Fifty Thousand Dollars, to the Capital Stock of the Sacramento, Placer, and Nevada, Railroad Company.

Read first and second times.

On motion of Mr. Anderson, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Anderson, the rules were further suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted to the Assembly.

Mr. Anderson, by leave, introduced a bill for an act entitled An Act amendatory of an Act entitled "An Act to Incorporate the Town of Auburn," approved March thirtieth, one thousand eight hundred and sixty.

Read first and second times.

On motion of Mr. Anderson, the rules were suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted to the Assembly.

REPORTS.

Mr. Watkins, Chairman of the Committee on Ciaims, made the following report:

Mr. President:—The Committee on Claims, to whom was referred the claim of J. G. Wickersham, for services as Prosecuting Attorney, in the case of the People r. Buster, in Sonoma County, and the claim of W. B. Peake, et al. for services in making Abstract of Title, of the Liedesdorff Estate, have had the same under consideration, and for the reasons set forth at length in the decision of the B-ard of Examiners, in each case, recommend that they be rejected.

WATKINS, Chairman.

Placed on file.

Mr. Parks, Chairman of Committee on Agriculture, made the following report:

Mr. President:—Your Committee on Agriculture, to whom was referred the message of the Governor, accompanying the Report of the State Agricultural Society, hereby report the same back, with the accompanying resolution, and recommend the passage of the resolution.

W. H. PARKS,

Chairman.

The report was accepted, and the resolution adopted. On motion of Mr. Kirkpatrick, Senate Bill, No. 186, An Act to facili-

On motion of Mr. Kirkpatrick, Senate Bill, No. 186, An Act to facilitate the Establishment of Telegraphic Communication, between Californir, and the Atlantic States, was placed on top of the file.

On motion of Mr. Clark, a bill reported by the Committee on Claims,

entitled An Act to Appropriate Money to Pay certain Claims, was taken up.

On motion of Mr. Logan, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Clark, the rules were further suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted

to the Assembly.

On motion of Mr. O'Farrell, the rules were suspended, and Assembly Bill, No. 213, An Act to provide for Recording Notice of Claims to Private Land Grants in this State, was taken from file, and considered in Committee of the Whole,

IN SENATE.

Bill read a third time and passed.

Mr. Dent ofiered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that the Senate and Assembly will meet in Joint Convention, in the Assembly Chamber, on Monday, twenty-third April, one thousand eight hundred and sixty, at one o'clock, P. M. for the purpose of electing two Trustees of the Insane Asylum, to fill vacancies.

Adonted.

On motion of Mr. O'Farrell, the rules were suspended, and Assembly Bill, No. 240, An Act to define the Limits and Boundaries of the County of Marin, was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr Kirkpatrick, offered a Concurrent Resolution, Relative to sending to our Senators and Representatives in Congress, the Vouchers of the War Claims of this State.

Adopted.

Mr. Leet moved to reconsider the vote just taken now.

Upon which, the ayes and noes were demanded by Messrs. Leet, Vance, and Anderson, and taken with the following result: Ayes, 10-noes, 18:

AYES-Messrs. Anderson, Ballou, De la Guerra, Denver, Lansing, Lect,

Logan, Pico, Quinn, and Watkins—10.
Noes—Messrs. Clark, Chase, Dent, Dickinson, Eagon, Haynes, Kirkpatrick, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Ryan, Titus, Vance, and Wheeler-18.

So the motion was lost.

REPORTS.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:—The Judiciary Committee, to whom was referred Assembly Bill, No. 447, entitled An Act for the Settlement of the Estate of certain Minors, have had the same under consideration, and report the bill back, and recommend its passage.

Your committee have also had under consideration Assembly Bill, No. 162, entitled An Act to regulate Pawnbrokers in this State, and to define their Liabilities, and report the bill back, and recommend its passage.

Your committee have also had under advisement Assembly Bill, No. 379, entitled An Act concerning Aliens, and report the bill back, and re-

commend that the same be indefinitely postponed.

Your committee have also had under consideration Senate Bill, No. 295, entitled An Act to provide for the Report and Publication of the Decisions of the Supreme Court, and report the bill back, and recommend

its passage.

Your committee have also had under advisement Senate Bill, No. 92, entitled An Act to amend "An Act to Regulate Proceedings in Civil Cases," passed April twenty-ninth, one thousand eight hundred and fifty-one, and report the bill back, and recommend that the same be indefinitely postponed.

Your committee have also had under consideration Senate Bill, No. 200, entitled An Act concerning the Board of State Prison Directors, and report the bill back, and recommend that the same be indefinitely post-

poned.

Your committee have also had under advisement Senate Bill. No. 255, entitled An Act to enable County Judges to alternate, and report the bill

back, and recommend its passage.

Your committee have also had under consideration Senate Bill, No. 267, entitled An Act for the Protection of Water Companies, and report the bill back, and recommend that the same be indefinitely postponed.

Your committee have also had under advisement Assembly Bill, No. 94, entitled An Act Relative to the Writ of Ne Exeat, and report the bill

back, and recommend that the same be indefinitely postponed

Your committee have also had under consideration Assembly Bill, No. 216, entitled An Act amendatory of "An Act to amend an Act entitled 'An Act concerning the Office of Secretary of State,'" passed May fourth, one thousand eight hundred and fifty-four, passed March twenty-sixth, one thousand eight hundred and fifty-nine, and report the bill back, and recommend that the same be indefinitely postponed.

Your committee have also had under advisement Assembly Bill, No. 289, entitled An Act to amend an Act entitled "An Act concerning the Office of Surveyor-General," and report the bill back, and recommend

that the same be indefinitely postponed.

Your committee have also had under consideration Assembly Bill, No. 283, entitled An Act concerning the Salary of the Judge of the Twelfth District Court, and report the bill back, and recommend that the same be indefinitely postponed.

Your committee have also had under advisement Joint Resolution, No. 50, in relation to Fraudulent Land Grants, and report the bill back, and

recommend that the same be indefinitely postponed.

Your committee have also had under consideration Assembly Bill, No. 262, entitled An Act to declare the effect of Decrees of Divorce from Bed

and Board, and report the bill back, and recommend its passage.

Your committee have also had under advisement Assembly Bill, No. 317, entitled An Act to amend an Act entitled "An Act to regulate the Settlement of the Estate of Deceased Persons," passed May first, one thousand eight hundred and fifty-one, and report the bill back, and recommend its passage.

Your committee have also had under consideration Assembly Bill, No. 369, entitled An Act amendatory of "An Act concerning Notaries Public,"

passed April thirtieth, one thousand eight hundred and fifty-seven, and amended and approved March sixteenth, one thousand eight hundred and fifty-nine, and report the bill back, and recommend its passage.

Your committee have also had under advisement substitute for Assembly Bill, No. 42, entitled An Act to amend "An Act to exempt the Homestead and other Property from Forced Sale in certain Cases," passed April twenty-first, one thousand eight hundred and fifty-one, and report the bill back, with the following amendment, and recommend its passage as amended:

Amend section five, by adding, "and no rights acquired under said act shall be lost or in any manner inepaired by reason of any provisions contained in this act; provided, that all parties holding and claiming homesteads under the provisions of said act shall have one year from and after the passage of this act in which to prepare and file for record the declaration required by section first of this act; and in making such declaration it shall not be necessary, in cases where there has been a prior, actual occupancy by the family, of the homestead, and a subsequent temporary abandonment, to allege the actual residence, at the time of such declaration, on the premises. In case there be no such declaration filed within said period of one year, the homestead shall be deemed to have been abandoned.

Respectfully submitted.

MERRITT, Chairman.

Placed on file.

Mr. De la Guerra, Chairman of the Committee on Finance, made the following report:

Mr. President:—The Finance Committee have had under consideration Assembly Bill, No. 212, An Act to exempt Persons who are, or may hereafter become, members of a Fire Company from the Payment of a Poll Tax, and herewith report the same back, and recommend its passage;

Also, Senate Bill, No. 195, An Act to increase the School Fund of the several Counties of this State, and recommend its passage with the following amendment:

Section one, line nine, strike out "ten," and insert, in lieu thereof,

"two and one-half;"

Also, Senate Bill, No. 197, An Act amendatory of, and supplementary to, an Act entitled "An Act amendatory of 'An Act to provide Revenue for the Support of the Government of this State,'" passed April nineteenth, one thousand eight hundred and fifty-six, and recommend that it be indefinitely postponed;

Also, Assembly Bill, No. 265, An Act supplemental to an Act passed March twenty-seventh, one thousand eight hundred and fifty, entitled "An Act concerning the Office of Assessor," and recommend its indefinite

postponement.

PABLO DE LA GUERRA,

Chairman.

Placed on file.

Mr. McDonald offered the following resolution:

Resolved, That D. H. Whepley be authorized to withdraw the papers and documents in relation to his claim for relief, for supplies furnished certain troops, in one thousand eight hundred and fifty.

Adopted.

SPECIAL ORDER.

Senate Bill, No. 258, An Act to provide for the Settlement of all Claims against the State of California arising out of, or connected with, the contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Essell, for the Lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract, and the surrender of the State Prison to the State—was, on motion of Mr. Leet, make the special order for two, p. M. this day.

On motion of Mr. O'Farrell, Assembly Bill, No. 228, An Act fixing the Salary of the Register of the State Land Office—was taken from unfinished business, and moved to reconsider the vote whereby the same

was indefinitely postponed.

Upon which the ayes and noes were demanded, by Messrs. Leet, O'Farrell, and Dickinson, and taken with the following result: Ayes, 18-noes, 8:

Aves-Messrs. Ballou, Chase, Crittenden, De la Guerra, Denver, Kirk patrick, Lansing, Logan, Merritt, O'Farrell, Parks, Pico, Redman, Ryan' Sharp, Titus, Vance, and Wheeler-18.

Noes-Messrs. Anderson, Dent, Dickinson, Eagon, Haynes, Leet, Mc-

Donald, and Quinn-8.

So the vote was reconsidered.

On motion of Mr Titus, the bill was recommitted to the Chairman of the Committee on Public Lands, (Mr. O'Farrell), who reported the bill back immediately, as originally introduced, and moved to place it at the top of the file.

Lost.

The bill was then placed on file.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee on Enrolled Bills have examined and found correctly enrolled Senate Bill, No. 281, An Act to amend an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and other Acts amendatory thereto;

Also, Senate Bill, No. 286, An Act to authorize the Administrator of the Estate of Albert Wardwell, Deceased, to Sell the Real Estate of said

Deceased, at Public or Private Sale;

Also, Senate Bill, No. 273, An Act to authorize Joshua Chadbourne and Josiah Bacon to Construct and Maintain a Wharf at Lakeville in the County of Sonoma:

County of Sonoma;
Also, Senate Bill, No. 228, An Act amendatory of an Act entitled "An Act to Establish Pilots and Pilot Regulations for Humboldt Bay and Bar," approved March eighth, one thousand eight hundred and sixty;

Also, Senate Bill, No. 241, An Act to provide for the Location of the

County Seat of Yolo County;

Also, Senate Bill, No. 261, An Act to audit and allow the Claim of J.

M. Warner;

Also, Senate Bill, No. 292, An Act making appropriations for Deficiencies made for the Eleventh Fiscal Year ending June thirtieth, one thousand eight hundred and sixty;

Also, Senate Bill, No. 139, An Act to amend "An Act to authorize the Counties of the State of California to become Stockholders in Railroad Companies," approved April sixteenth, one thousand eight hundred and fifty-nine, and have taken the same to the Governor at eleven o'clock, A. M. of this day.

A. St. C. DENVER,

Chairman.

Report accepted.

Mr. Chase, pursuant to notice, introduced a bill for an act entitled An Act to authorize the Board of Supervisors of the County of Nevada to subscribe for Stock for a Railroad from Auburn to Nevada.

Read first and second times.

On motion of Mr. Chase, the rules were suspended, and the bill was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Chase, the rules were further suspended, the bill considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

GENERAL FILE.

Senate Bill, No. 186, An Act to facilitate the Establishment of Telegraphic Communication between California and the Atlantic States—was considered in Committee of the Whole.

IN SENATE.

Mr. Ryan moved a call of the Senate.

Carried.

Roll called.

Absent—Messrs. Bradley, Crittenden, De la Guerra, Denver, Franklin, Lansing, Peachy, Titus, and Watkins.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Crittenden appearing at the bar of the Senate, was admitted.

Mr. Titus appearing at the bar of the Senate, was admitted.

On motion of Mr. Parker, further proceedings under the call were dispensed with.

Mr. Sharp asked and obtained leave of absence for Mr. Bradley, for one day.

The bill was then further considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

The question being on ordering the bill engrossed, and read a third time, the ayes and noes were demanded by Messrs Chase, Dickinson, and Sharp, and taken with the following result: Ayes, 13—noes, 11.

So the bill was ordered engrossed, and read a third time.

Senate Bill, No. 290, An Act Appropriating Money for the Completion of a Wagon Road over the Sierra Nevada—was read a third time.

Upon its passage the ayes and noes were demanded by Messrs. Dickinson, Dent, and Ballou, and taken with the following result: Ayes, 15—noes, 8:

AYES-Messrs. Clark, Crittenden, De la Guerra, Denver, Dickinson,

Eagon, Haynes, Merritt, Parker, Phelps, Pico, Quinn, Redman, Sharp, and Titus-15.

Noes-Messrs. Ballon, Chase, Dent, Kirkpatrick, Lansing, McDonald,

Parks, and Wheeler-8.

So the bill passed.

Mr. Eagon gave notice that he would, on to-morrow, move for a recon-

sideration of the vote just taken.

Senate Bill, No. 142. An Act amendatory of, and supplementary to, "An Act to provide for the Funding and Payment of the Outstanding Unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight handred and fifty-eight "—was considered in Committee of the Whole, and amended.

IN SENATE.

Mr. Phelps moved a call of the Senate.

Carried.

Roll called.

Absent—Messrs, Anderson, Bradley, Ballou, Crittenden, Denver, Dickinson, Eagon, Franklin, Haynes, Kirkpatrick, Logan, Merritt, O'Farrell, Parker, Peachy, Ryan, Sharp, Titus, Vance, and Watkins.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Vance appearing at the bar of the Senate, was admitted. Mr. Merritt appearing at the bar of the Senate, was admitted. Mr. Logan, appearing at the bar of the Senate, was admitted.

On motion of Mr. Merritt, further proceedings under the call were dis-

pensed with.

Amendments made in Committee of the whole were then concurred in. On motion of Mr. Phelps, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Senate Bill, No. 224, An Act to authorize Peter H. Albretson to Construct a Turnpike Read in the County of Napa—was indefinitely post-

poned.

Mr. De la Guerra, Chairman of the Committee on Finance, made the

following report:

Mr. President:—The Finance Committee, to whom was referred the Message of the Governor, with accompanying papers, relative to the dismissal by the Attorney-General of the suit now pending, wherein the State is plaintiff, and S. A. McMeans and others, are defendants, have had the same under consideration, and herewith report the same back with accompanying joint resolution, and recommend the passage of the resolution.

PABLO DE LA GUERRA,

Chairman.

Placed on file.

Assembly Bill, No. 31, An Act to amend an Act entitled "An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands in this State," approved April twenty-one, one thousand eight hundred and fifty-eight, and also, to amend an Act, approved April eighteen, one thousand eight hundred and fifty-nine, entitled "An Act amendatory of 'An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands in this State,'" approved April twenty-one, one thousand eight hundred and fifty-eight—was considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, and bill read a third time.

The question being on the passage of the bill, the Senate refused to pass the same.

Senate Bill, No. 225, An Act to provide for the Compensation of the State Registrar of the State of California—was considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, bill ordered engrossed, and read a third time.

Assembly Bill, No. 203, An Act to Prevent the Closing up of Public Highways, where the same cross Streams that become Dry or Fordable at any Season of the Year, throughout the State—was considered in Committee of the Whole, and amended.

IN SENATE.

Mr. Titus called for a division on the adoption of amendments made in Committee of the Whole.

The first amendment was lost.

The second, third, and fourth, amendments, were adopted.

Bill read a third time and passed.

On motion of Mr. Anderson, the title was amended by striking out "throughout the State," and inserting "in all Counties of this State, except Amador and Calaveras."

Senate Bill, No 260, An Act for the Relief of Purchasers of School and Seminary Lands in this State—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Parks, the bill was referred to the Committee on Public Lands.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,

April 18, 1860.

Mr. PRESIDENT:—The Assembly have this day passed Senate Bill, No. 310, An Act to authorize the Board of Supervisors of Santa Clara County to Subscribe to the Capital Stock of the San Francisco and San José Railroad Company, with amendments;

Also, Senate Bill, No. 301, An Act to authorize the Board of Supervisors of the City and County of San Francisco to Subscribe to the Capital Stock

of the San Francisco and San José Railroad Company;

Also, Senate Bill, No. 303, An Act to authorize the Board of Supervisors of the County of San Mateo to Subscribe to the Capital Stock of the San Francisco and San José Railroad Company.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

The Senate refused to concur in Assembly amendments to Senate Bill,

No. 310, An Act to authorize the Board of Supervisors of Santa Clara County to Subscribe to the Capital Stock of the San Francisco and San José Railroad Company.

Mr. Lansing, gave notice that he would, on to morrow, move a recon-

sideration of the vote just taken.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber.
April 18, 1860.

Mr. President:—The Assembly on yesterday passed Assembly Bill, No. 291, An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell for the Lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract, and the Surrender of the State Prison to the State;

Also, on the fourteenth instant, passed Assembly Bill, No. 443, An Act to amend an Act entitled "An Act to authorize the Executors of Joseph L. Folsom, deceased, to sell Real Estate of their Testator at Private Sale, so far as said Act relates to Lands situated in the County of Sacramento;"

Also, on the twelfth instant, passed Substitute for Assembly Bill, No. 421, An Act to provide for the Re-Sale of Public Lands sold by the State, on a credit, and declared Forfeited by reason of Non-Payment of Interest or Principal.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 291, An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the Lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract, and the Surrender of the State Prison to the State—was read first and second times.

On motion of Mr. Leet, was made special order for two, p. M., in con-

junction with Senate Bill, No. 258, relating to the same subject.

Assembly Bill, No. 443, An Act to amend an Act entitled "An Act to authorize the Executors of Joseph L. Folsom, deceased, to sell Real Estate of the Testator at Private Sale, so far as said Act relates to Lands situated in the County of Sacramento"—was read first and second times, and referred to the Sacramento Delegation.

Assembly Bill, No. 421, An Act to provide for the Re-Sale of Public Lands sold by the State on a Credit and declared Forfeited, by reason of Non-Payment of Interest or Principal—was read first and second times,

and referred to the Committee on Public Lands.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 18, 1860.

Mr. President:—The Assembly have this day passed Assembly Concurrent Resolution, Relative to granting Leave of Absence to Honorable Thomas Findley, State Treasurer, for one month.

Respectfully,

J. M. ANDERSON, Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution, No. 72, Relative to granting Leave of Absence for one month to Hon. Thomas Findley, State Treasurer—was taken up and concurred in.

SPECIAL ORDER.

Senate Bill, No. 258, and Assembly Bill, No. 291, An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twenty-sixth of March one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the Lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract, and the Surrender of the State Prison to the State.

On motion of Mr. Dickinson, the Assembly Bill was taken up first, and considered in Committee of the Whole.

IN SENATE.

Mr. Parker moved that the Senate do now adjourn.

Lost.

The bill was then further considered in Committee of the Whole.

IT SENATE.

Mr. Ryan moved to indefinitely postpone the bill.

Lost.

Mr. Parker moved the previous question, which was sustained.

The question being, "Shall the main question be now put?"

Put and carried.

The main question being the third reading and passage of the bill.

Read a third time and passed.

On motion of Mr. Leet, the following documents were ordered to be placed on the Journal:

COMMUNICATION FROM SUB-LESSEE OF STATE PRISON.

San Francisco, January 30, 1860.

Hon. F. A. SAWYER,

Chairman Joint Committee:

Sin:—Having been requested to present to the committee of which you are the Chairman, a proposition for the settlement of all matters in controversy between the State and myself, arising out of the contract between the State and the late Gen. James M. Estell, made on the twenty-first of March, one thousand eight hundred and fifty-six, I now submit the following:

I propose that the State shall pay to Lloyd Tevis and myself, as the Assignees of Gen. Estell, the following sums of money:

Purpose.	Amount.
For keeping the State Prison from the twenty-sixth of December, one thousand eight hundred and fifty-seven (the date of the last payment made by the State under the contract) to the first of March, one thousand eight hundred and fifty-eight, (the date of the seizure of the State Prison by His Excellency, John B. Weller,) at ten thousand dollars per month, the contract price, two months and three days.	\$21,000
days. Profit lost by Lessee in keeping State Prison from the first of March, one thousand eight hundred and fifty-eight, the date of my eviction by John B. Weller, to the thirteenth of May, one thousand eight hundred and fifty nine, (the date at which I was restored to the possession), being five thousand dollars per month, for fourteen months and twelve	,
days. For keeping the State Prison from the thirteenth of May one thousand eight hundred and fifty-nine to date at which the State Prison shall be surrendered to the State, say first of March, one thousand eight hundred and sixty, nine months and seventeen days, at ten thousand dollars per month.	72,000 95,666 66
Profit relinquished in keeping State Prison from the first of March, one thousand eight hundred and sixty (date of proposed surrender to the State) to the twenty-sixth of March, one thousand eight hundred and sixty-one, (date of expiration of the contract,) twelve months and twenty-five days, at five thousand dollars per month	
Total	\$252,833 32

Upon the payment of the above sum of two hundred and fifty-two thousand eight hundred and thirty-three dollars and thirty-two cents, and upon provision being made by law for the speedy ascertainment, either by sait or arbitration, of the value of my private property scized by Governor Weller on the first of March, one thousand eight hundred and fifty-eight, and appropriated to the uses of the State, and for the payment to me of the amount so soon as it is ascertained. I will surrender the State prison, cancel the contract, deliver up all personal property belonging to the State, which I received from Gen. Estell and which is now in my hands, release all claims and demands against the State arising out of or connected with the contract, and against all officers of the State for any act done by them, and will procure the concurrence of Mr. Lloyd Tevis, one of the Assignces of Gen. Estell, in such surrender, cancellation, and release.

As I have at the State prison a large quantity of bricks, supplies, and other personal property of my own, which it would be impossible for me to remove prior to the surrender of the prison, I should expect and re-

quire that provision be made by law to allow me a reasonable time after the surrender—say thirty days—for the removal of my property.

It may not be inappropriate for me, in making this proposition, to add some explanation of the grounds upon which I base it.

The original contract between the State and General Estell is no doubt

well known to every member of your committee.

It was made on the twenty-sixth of March, one thousand eight hundred and fifty-six. Immediately upon its execution, General Estell took possession of the State prison, and, until the fourteenth of May, one thousand eight hundred and fifty-seven, remained in the quiet and peaceable possession and enjoyment of all the property and rights purporting to be

vested in him by that contract.

During this period payments were made to General Estell under the contract; and, in pursuance of the obligations the contract imposed upon him, he not only supported the convicts, but made upon the State prison grounds, the property of the State, permanent and valuable improvements, to the amount of seventy thousand four hundred and twenty-six dollars and sixty cents. (See appendix to Senate journal, ninth session,

reports of Joint Committee.)

On the fourteenth of May, one thousand eight hundred and fifty-seven, I entered into an agreement with General Estell, by which, in consideration that I should receive each month five thousand dollars out of the ten thousand dollars to be paid to him by the State, I took upon myself the discharge of all his obligations under his contract with the State, for the whole term, less one month.

I entered into this agreement with General Estell upon the faith and credit of the State of California, solemnly pledged by the act of the twenty-first of March, one thousand eight hundred and fifty-one, and by the written contract made in the name of the State by her officers duly au-

thorized by that act.

At that time the contract had been in existence for more than a year. It had not only been acquiesced in by the State and all branches of her government, but had been partially performed on both sides. No question had been raised as to its validity. I did not then imagine-nor had any reason whatever to imagine—that the State would ever desire or attempt to do otherwise than religiously fulfill the obligations it imposed apon her.

For the interest which I thus acquired, I paid General Estell a large

sum of money.

As sub-lessee I then took possession of the prison, and proceeded, to he best of my judgment and ability, to discharge the duties I had assumed. I continued in possession until first of March, one thousand eight hundred and fifty-eight. During that time I made permanent and valuable improvements on the State prison property to the amount of sixtynine thousand and thirty-three dollars and ninety-six cents. (See appenlix to Senate journal, ninth session, report of Joint Committee.)

And in the support of the prison, and in preparations for so applying he convict labor during the residue of the term, as to give me some adequate return for my outlay, I expended about fifty thousand dollars, over

and above all that I have received from the State.

From the time I entered until the twenty-ninth of December, one housand eight hundred and fifty-seven, the State made payments, under the contract, at the rate of ten thousand dollars per month. But the payments were made irregularly and, with one or two exceptions, some ime after they were due. The last payment was made on the twentysixth of December, one thousand eight hundred and fifty-seven, and since then not a dollar has been paid under the contract nor towards the sup-

port of the prison while in my charge.

On the first of March, one thousand eight hundred and fifty-eight, under a supposed authority of an Act of the Legislature, approved February twenty-sixth, one thousand eight hundred and fifty-eight, I was forcibly ejected from the State prison, and all my personal property seized and detained. It was appraised at seventy-nine thousand one hundred and fifty-nine dollars and eighty-three cents, by a committee of the Legislature, acting in concert with Appraisers appointed by myself. (See appendix to Senate Journal ninth session, report of Joint Committee.)

A portion of this property I was permitted to remove, not long afterwards, but in such a manner and under such circumstances that it was of little value to me. Another portion of it I recovered when, more than a year afterwards, I was restored to the possession of the prison by legal process. But a very large amount of it was either used for the State, or wasted and destroyed. No compensation has ever been made me, nor offered to be made, for this arbitrary seizure at d confiscation of my property, nor for the damage which I sustained in the breaking up of my business and the destraction of all my plans for future profit, to perfect which I had made such large expenditures.

On the thirteenth of May, one thousand eight hundred and fifty-nine, after a protracted and expensive litigation, commencing in the court of a Justice of the Peace, and terminating in a judgment of the Supreme Court, I recover I the possession of the State prison and convict labor,

and have since retained the possession.

On the first of March next, there will be due under the contract for the keeping of the prison during the time I shall have actually supported the institution, the sum of one hundred and sixteen thousand six hundred and sixty-six dollars and sixty-six cents.

The proposition I have submitted contemplates that this amount shall be paid in tast, and it would be difficult to suggest a reason, founded in

common justice, why it should not be paid.

In addition to that sum, I ask that there shall be paid me for the time the State unlawfully held the prison, and for the term of the lease yet to run, the profit which I might have realized during the former period, and may reasonably hope to realize during the latter. That is, the sum of five thousand dollars per month, making one hundred and thirty-six thousand one hundred and sixty-six dollars and sixty-six cents.

In strict law I should be entitled to demand and recover from the State the full amount of ten thousand dollars per month during the whole time. The State, in fact, paid the expenses of the prison. That is, from the first of March, one thousand eight hundred and fifty-eight, to the thirteenth of May, one thousand eight hundred and fifty-nine; because that payment was, as far as I am concerned, wrongful and unauthorized.

Certainly the basis of the compromise which I offer, waiving, as I do, to a very considerable extent, my legal rights, is unobjectionable, unless it be the intention of the State altogether to repudiate her contract.

My proposition is founded upon the assumption that the State will re-

spect and consider herself bound by her contract.

Upon any other assumption it is idle to talk of compromise. If I have no admitted right, there is no rule or standard to which to refer in any adjustment of my claims against the State; and I should stand in the position of one, not demanding justice, but beseeching a gratuity at the hands of the Legislature. That is a position which I do not occupy, and

will not be made to occupy. I conceive that I am now demanding less than my due. But whatever I demand I ask of the justice, not the charity, nor even the liberality, of the Legislature. If it be denied me; if the State will not pay her honest debts, nor even adjust them upon a basis which would be fair in dealings between man and man, I may have no alternative left me but to resort to those means of redress which the law may furnish through the agency of the courts. If unsuccessful in that last appeal, I shall learn to submit with all the resignation of which I may be capable, to that ruin which will follow from a too great, and as the result will have proven, ill-founded confidence in the faith and honor of a sovereign State.

It has been suggested, and may again be urged, that the contract with General Estell was a disadvantageous one to the State, and therefore

should not be considered as binding upon her.

But on such a ground, would the State arrogate to herself the right of rescinding or repudiating her contract, a right which neither law, justice, nor reason, recognizes in any individual? And would the State do this to the injury and ruin only of innocent persons, who have dealt with the other contracting party upon the faith of her contract?

It may be said further, that the State should not feel herself bound to

fulfill this contract because it has been violated by me.

Charges of this nature have been often made, but not in such a form, nor coming from such a quarter, as, in my judgment, to require any response from me. In regard to the manner in which the contract has been performed by me, I have always challenged, and I now challenge, investigation, confident as I am that its result will establish, beyond all question, that if in all respects the management of the State prison affairs has not been what might be desired, it has been the fault of the system adopted and sanctioned in this State by law, and usage, and by the contract, and not the consequence of the failure on my part to fulfill the stipulations of the contract.

I had hoped that long before this time some opportunity would have been afforded me, in the course of a fair and public trial, to resute the unfounded accusations which have been made against me in this connection. It was with that view that I earnestly desired the passage by the last Legislature, of some law permitting me to bring an action against the State, and allowing the State to set up my imagined violations of the contract by way of defense.

A reference to one of these accusations of the truth or falsity of which your committee have the necessary means of forming a correct opinion, will tend to show how little worthy of confidence are any of them.

It has been published far and wide throughout this State, that I have failed to supply the convicts with proper food and clothing, and have subjected them to all the horrors of starvation and destitution in every form.

Your committee have examined into the condition of the prison. You know how the convicts are now clothed and fed, and how their wants in every particular are supplied. While they have been in my charge their treatment has always been the same. Of this, too, you have had every opportunity to assure yourselves I now confidently appeal to your committee for my vindication from all these accusations.

Am I, or have I, at any time, been guilty of that gross inhumanity and

cruelty which have been charged against me?

For the purpose of showing our right to conclude a final settlement in this matter, it may be proper for me to refer to the instruments of writing under which Mr. Tevis and I claim to represent General Estell.

On the twenty-eighth of December, one thousand eight hundred and fifty-seven, in consideration of the sum of twenty thousand dollars, which I paid to him, General Estell conveyed to me the one-half of his remaining interest in the contract.

On the twelfth of January, one thousand eight hundred and fifty-nine,

he assigned the residue of his interest to Mr. Lloyd Tevis.

Copies of the contract between the State and General Estell, and of the several instruments of assignment to which I have referred, are hereto annexed.

Under these instruments I am entitled to the possession of the prison and convict labor until the twenty-sixth of February, one thousand eight hundred and sixty-one. From that date to the twenty-sixth of March, one thousand eight hundred and sixty-one, Mr. Tevis and I will be entitled to hold the possession jointly, and of all moneys due from the State, or to become due, I am entitled to receive three-fourths, and Mr. Tevis one-fourth. No other person has any interest in the contract.

I have made the foregoing proposition upon the idea, derived from your committee, that it is the wish of the present Legislature to procure the cancellation of the contract, and the immediate surrender of the prison, with the view of adopting a different system of State prison discipline and management, and probably of establishing a branch prison.

Though no arrangement be concluded for the surrender of the prison and the cancellation of the contract, I would suggest that the principal

objects in view may still be accomplished.

I will consent to the enforcement, under the immediate and exclusive direction and supervision of any officers appointed for the purpose, of any system, whatever, of State prison discipline and management, even though it be a part of that system to prohibit altogether the working of the convicts outside of the prison walls, or to require their solitary confinement.

By the terms of the contract I am bound to guard and maintain the convicts. The expense of doing so will be little, if at all greater, at any point likely to be selected as the site of a branch prison, than at San Quentin. If it should be deemed advisable to estab ish a branch prison immediately, I will transfer to such place as may be selected for the branch prison, as many of the convicts as it may be thought proper to employ in its erection; will guard and maintain them there; and will give the entire direction and control of their labor to any person authorized to take such direction and control.

I make these last propositions however, only upon the condition that payment be made in full of the amount due under the contract, from the twenty-sixth of December, one thousand eight hundred and firty-seven, and that provision be made for the punctual payment of the ten thousand

dollars per month, for the balance of the term.

Respectfully,

JOHN F. McCAULEY.

[EXHIBIT A.]

This indenture, made and entered into this twenty-sixth day of March, one thousand eight hundred and fifty-six, between the State of California, by Robert M. Anderson, Lieutenant Governor, G. W. Whitman, Controller of the State of California, and Henry Bates, Treasurer of the State of California, constituting the Board of State Prison Commissioners, created

by act of the Legislature of said State of California, entitled 'An Act creating a Board of State Prison Commissioners, and defining their Duties,' approved the twenty-first day of March, A. D. one thousand eight hundred and fifty-six, passey of the first part, and James M. Estell, party

of the second part, witnesseth:

That the said party of the first part, for and in consideration of the covenants and agreements hereinafter mentioned, reserved, and contained, on the part and on behalf of the said party of the second part, to be done, kept, and performed, by a granted, bargained, demised, and to farm-letten, to the said party of the second part, his heirs and assigns, all that certain tract or parcel of land situate on Point San Quentin, in the county of Marin, and State aforesaid, and known as the State prison property. consisting of thirty-six agres of land, more or less, together with all and singular the prison and lossess, and all improvements and houses thereon situate; also, all the so, ping, vessels, boats, fixtures, implements, tools, furniture, stock, and one property, belonging to the State of California. now on, attached to, or connected with, said State prison, together with the labor of all the consects now in said State prison, or who may hereafter be confined thereis, during the continuance of this lease; together with any and all real estate or other property that may hereafter be purchased or acquired by the State of California for State prison purposes, or in any manner connected with the same; to have and to hold the premises and properly, above described and mentioned, and the labor of said State prison condicts, unto the said party of the second part, and to his heirs and assigns, from the date of these presents, for and during, and until the end, of the full term of five years thence next ensuing, and to be fully completed and ended.

And it is further ag and stipulated, by the said party of the first part, to and with the said party of the second part, that on the last day of each and every can have a saforesaid, the State of California will pay to the said party of the second part the just and full sum of ten thousand dollars, to be paid in conformity with the law creating said Board of Commissione: and defining their powers and duties, and with

the limitations hereinafter stipulated.

And the said James ?! betell, party of the second part, covenants and agrees, to and with the case of California, party of the first part, that, for and in consideration of the use and occupation of the premises, property, and the labor, of the State prison convicts above mentioned, and the said several sums of a mey to be paid to the said party of the second part by the said party of the first part, as above mentioned, he, the said party of the second past, will receive and take charge of all convicts now confined in said State prison or any other State prison which may be established by authority of law, or who may hereafter be convicted and sentenced, or commu do imprisonment in the State prison or State prisons, now established or which may be, in the State of California, during said term of five years above mentioned; and that he, the said party of the second part, with the law, we said convicts, as required by law, in said prison or prisons, for and during said term of five years, at his own proper cost and expresse; will provide, under the direction of the State Prison Commissioners, the necessary and proper overseers, guards, and employes, for sait prison or prisons; and to furnish to said State prison convicts suitable preper, and wholesome food, drink, clothing, and medical attendance; and to treat such convicts humanely, and with all due degree of kindness consistent with their security and safety.

And the said party of the second part further covenants and agrees, that he will, at his own proper cost and expense, establish and erect such buildings, prisons, and walls, and make such other improvements on the premises above mentioned and described, or which may be parchased or acquired for such State prison uses and purposes by authority of the State, as will conduce to the safety and convenience of preperly keeping. securing, working, clothing, feeding, and providing medicines and medical attendance for the State convicts, and treating and using them humanely, and without subjecting the State, in any way or manner, to any payment, charge, expense, or demand, for the same, except the salaries of the State Prison Directors now in office; but the said party of the second part agrees to furnish the Directors, when necessarily residing at the prison, with fuel and provisions, out of the stock supplied for the general use of the prison. The work and buildings, as before described and reterred to, is to be done in accordance with a plan or plans and specifications, which shall be approved by the Board of Commissioners, and at such times, at such place or places, and of such materials, as they may order; and the said party of the second part covenants and agrees, to and with the said party of the first part, acting on behalf of the State, that he will use due diligence for the capture and recovery of all or any convicts that may escape from said State prison or prisons, and that he will pay such reasonable rewards for their apprehension and return during the continuance of this lease; said rewards to be assessed by the Board of State Prison Commissioners.

And the sail yarty of the second part agrees to release, and does hereby release, to the State of California, all claims, whether legal or conitable, which he has against the State of California, arising out of his former connection with the State aforesaid, as the lessee of the State prison and convict labor, or for property or materials sold to or used by State officers

or employes of said prison, for the use of the State.

Also, a claim for forty-eight thousand eight hundred dollars, more or less, for property purchased by the State Prison Directors, or other State officers, from Archibald Woods, Esq. and to hold the State of California harmless from such claim, or any part thereof. Also, a claim for two million two hundred thousand bricks, more or less, purchased by the State Prison Directors, and used in the construction of the State prison walls.

And it is farther covenanted, stipulated, and agreed, by and between the said parties of the first and second parts, during the continuance of the term of this lease, that the said prison shall be governed, controlled, and managed in accordance with the provisions of an act entitled "An Act creating a Board of State Prison Commissioners, and defining their Duties," approved March thenty-our, A. D. one thousand eight hundred

and fifty-six.

And it is further covenanted and agreed, by the party of the second part, that, at the expiration of the five years, he will quit and surrender the premises and property aforementioned, and all walls, pris n. or prison buildings, and permanent fixtures of any and every kind, which he may erect on property now owned or occupied by the State, or which may be purchased or acquired by the State, for State prison purposes, to the party of the first part, or to such parties as the State may, by law, authorize to receive the same, in as good condition and state as reasonable use and wear thereof will permit, damages by the elements excepted, the property now owned by the State, as described by schedule A.

It is also stipulated and agreed, by and between the parties hereto,

that, simultaneous with the execution of this contract, and prior to the same taking effect, the said party of the second part shall enter into a bond, payable to the people of the State of California, in the penal sum of two hundred thousand dollars, with responsible sureties, to be approved by said Board of Commissioners, conditioned for the faithful performance of the duties and obligations imposed by the conditions of this contract and the law authorizing the same, and new or additional bonds may be required by said Board of Commissioners, if, from any reason, they shall deem the bond or bonds, insufficient.

In witness whereof, Robert M. Anderson, Lieutenant-Governor of the State of California, George W. Whitman, Controller of the State of California, and Henry Bates, Treasurer of the State of California, constituting the Board of State Prison Commissioners, and the said James M. Estell, party of the second part, have hereunto set their hands and seals,

the day and year first above written.

[SEAL.] R. M. ANDERSON, [SEAL.] G. W. WHITMAN, [SEAL.] HENRY BATES,

Board of State Prison Commissioners.

[SEAL.] J. M. ESTELL.

Witness: R. A. Fish.

A true copy: William Willis,

Clerk of the Board of State Prison Commissioners."

[Exhibit B.]

"This agreement, made and entered into this fourteenth day of May, in the year of our Lord, one thousand eight hundred and fifty-seven, between James M. Estell, of the first part, and John F. McCauley, of the second, witnesseth: That, whereas, the party of the first part entered into a certain contract with the State of California, by and through certain Commissioners for that purpose authorized by law, for the care and keeping of the convicts of said State, which contract bears date the twenty-sixth day of March, one thousand eight hundred and fifty-six; and is correctly set forth at page eight hundred and twenty four of the Assembly Journal, printed by authority, for the year one thousand eight hundred and fifty-six; and, whereas, the party of the second part is willing, and for the considerations and covenants of the party of the first part hereinafter expressed, has agreed and does hereby agree and bind himself to perform and complete the undertakings and agreements of the party of the first part in the said contract with the said State of California expressed, not already performed by the said party of the first part, and to be by him performed during the period for which this contract runs. Now, in consideration of said undertakings and agreement upon the part of the party of the second part, the party of the first part hereby bargains, sells, and conveys, transfers, assigns, and sets over, unto the said party of the second part, his heirs, executors, administrators, and assigns, all his right, title, and interest, in and to all the estate, real and personal, leased, conveyed, and delivered, to him by the State of California, under the contract of the twenty-sixth of March, one thousand eight hundred and fifty-six, aforesaid, and which is more particularly set forth

in a schedule (A), which is hereto annexed, as part of the contract, and also, the rights, powers, and privileges, derived from the said contract to the party of the first part, saving and excepting that instead of the party of the second part having the right to draw the whole amount to be paid to the party of the first part from the Treasurer of the State of California, under the contract aforesaid, he, the said party of the second part, shall have authority and power to draw only one half thereof, the said party of the first part hereby retaining to himself the power and authority to draw the other half. This contract is to run and remain in full force and effect from this date until the twenty-sixth of February, one thousand eight hundred and sixty-one, when this contract is to expire, and when the party of the second part is to retransfer to the party of the first part all the property, both real and personal, hereby transferred to the party of the second part, or so much thereof as may have survived the wear and tear accruing from the use thereof. The said party of the first part reserves to himself the full power to visit and inspect the prisoners and overlook the police and management of the pris ners, and all officers and guards connected with the prison. The power to visit and inspect the police of the prison shall be entirely independent of the party of the second part. The said right to visit the prison and prisoners may be exercised at all hours, night and day, and he shall have full power to do all which his duties to the State of California requires him to do in regard to said prisoners, the police, and management of the same.

In witness whereof, the parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

J. M. ESTELL. [SEAL.]

JOHN F. McCAULEY."

[EXHIBIT C.]

" For value received, I hereby assign, transfer, and set over unto Lloyd Tevis, all my interest in the contract made between the State of California and myself, on the twenty-sixty day of March, one thousand eight hundred and fifty-six, known as the State Prison Contract, and in all sums of money which have heretofore, or may at any time herewiter, become due and pavable to me on account thereof, in any manner whatsoever, whether by payments by the State of California, in accordance therewith, or by payments by said State in consideration of the surrender of said contract, or of any compromise or settlement thereof. And I hereby authorize and empower said Tevis, to adjust, settle, collect, or compromise, the same, and to execute all receipts and papers of every kind necessary for that purpose.

Witness my hand and seal, January twelve, one thousand eight hundred

and fifty-nine.

Signed, J. M. ESTELL." [SHAL.]

[Ехнівіт А.]

"This indenture, made and entered into this twenty-eighth day of December, A. D. one thousand eight hundred and fifty-seven, between James M. Estell, of the first part, and John F. McCauley, of the second partWitnesseth: That, whereas, the said Estell entered into a certain contract with the State of California, by and through certain Commissioners for that purpose authorized by law, for the care and keeping the convicts of said State, which contract bears date the twenty-sixth day of March, one thousand eight hundred and fifty-six, and is correctly set forth at page eight hundred and twenty-four of the Assembly Journal, printed by authority, for the year one thousand eight hundred and fifty-six.

And, whereas, afterwards, to wit, on the fourteenth day of May, one thousand eight hundred and fifty-seven, by an agreement in writing of that date, signed, scaled, and delivered by both parties, the said Estell bargained, sold, and conveyed, transferred, assigned, and set over, to the said McCauley, his heirs, Executors, Administrators, and assigns, all his right, title, and interest in and to all the estate, real and personal, leased, conveyed, and delivered to him, by the said State of California, under the said contract of the twenty-sixth day of March, one thousand eight hundred and fifty-six, and also all the rights, powers, and privileges, derived from said contract, with the exception that the said McCauley should have power and authority to demand and receive from the Treasurer of the State of California, only one-half of the amount to be paid to said Estell by the State of California, under said contract, the said Estell retaining to himself the power and authority to draw the other half; the whole sum payable by the said State being ten thousand dollars per month, which agreement between the said Estell and McCauley was by its terms to expire on the twenty-sixth of February, one thousand eight hundred and sixty-one, one month before the expiration of the contract between said Estell and the State of California, all of which will more fully appear on reference to said contract between said Estell and the State of California, and said agreement between said Estell and McCauley, which latter is recorded in the office of the County Recorder of Marin County, in Liber Six of Deeds, page ninety-eight. And, whereas, for the consideration hereinafter stated, the said Estell has sold to the said Mc-Cauley the one undivided half of his, the said Estell's, remaining interest in the said contract with the State of California, of the twenty-sixth of March, one thousand eight hundred and fifty-six, and in the estate thereby vested in him, and has agreed to convey the same.

Now, therefore, in consideration of the premises, and of the sum of twenty thousand dollars to him in hand paid, by the said McCauley, the receipt of which is hereby acknowledged, the said James M. Estell has granted, bargained, sold, and conveyed, transferred, assigned, and set over, and by these presents does grant, bargain, sell, convey, transfer, assign, and set over, to the said John F. McCauley, his heirs, Executors, Administrators, and assigns, the one undivided half of all his, the said Estell's, remaining interest in the said contract with the State, of the twenty-sixth of March, one thousand eight hundred and fifty-six, together with the undivided half of all his remaining right, title, and interest, in and to the property, real and personal, thereby conveyed or transferred and assigned, and of all the rights, power, and privileges, vested in him by said contract, hereby vesting in said McCauley, his heirs, Executors, Administrators, and assigns, during the whole term for which said contract of the twenty-sixth of March, one thousand eight hundred and fifty-six, is to endure, full power and authority to demand and receive from the State of California, and from the proper accounting and disbursing officers thereof, in addition to the sum of five thousand dollars per month, to which the said Mc-Cauley is now entitled under the said agreement of the fourteenth of May, one thousand eight hundred and fifty-seven, the further sum of two thousand five hundred dollars per month, being the cue-half of the sum reserved by said Estell, by the said agreement of the fourteenth of May, one thousand eight hundred and fifty-seven; and the said Estell covemants and agrees to, and with the said McCarley, that he, the said Esteli, will not draw, nor attempt to draw, from the State treasury, the said sum of seven thousand five Lumbred doffers per month, to which the said Me-Cauley is entitled, nor obstruct, nor in any way projed on the rights of said McCarley to receive the same; and that the said Estell will, from time to time, and as often as occasion may require, apon request, sign and receipt, voucher, or other paper, to chable the said Mechalley, his beirs, Executors, Administrators, or assigns, to demand at I receive payment of said monthly sum, and will at all times aid and assist him, or them, in procuring the payment thereof.

In testimony whereof, the said party of the first part, the said James M. Estell, hereto signed his name, and affixed his seal, the day and year

first above written.

The words "the said James M Estell," on the twenty-first line of the second page, and the words " full power and authority," on the sixth fine of the third page, interlined before signing.

J. M. ESTELL. [51.11.] In presence of W. W. Wiggins.

January 2, 1858."

SACRAMENTO, February 3d, 1860.

Hon. F. A. SAWYER, Chairman of Joint Committee on State Prison:

Sin:-You desire to be informed as to the amount of the chain to which I have reterred in my former communication, for property taken on the first of March, one thousand eight hun fred on I fitty-c. ht. a-1 u- 1 for the State; and, also, as to the amount of certain other and independent ciaims of mine against the State, for beef and cattle furnished for the State prison.

In reply, I have to say that, shortly after my property at the State prison was seized, as I have before stated, it was inventoried and appraised by a Joint Commutee of the Legislatures, acting in concert with Appraisers appointed by myself. The object of making this inventory and appraisement, was to avoid in the future any controversy as to the

amount or value of the property.

The inventory and appraisement so made are set forth in the report of the committee, to be found in the appendix to Senate journal of the minth session.

They show the total value of the property to have been seventy-nine

thousand one hundred and twenty four dollars and eighty cents

The only articles returned to me prior to my recovery of the prison, were the following:

Schooner W. Hicks, appraised at ten thousand dollars.

Cargo of twenty thousand bricks, appraised at two hundred and forty dollars.

Schooner H. T. Clay, appraised at twelve thousand dollars.

Cargo of seventy thousand bricks, valued at eight hundred and forty dollars.

A portion of the brick at the prison.

In one thousand eight hundred and fifty-nine a Special Committee of

the Assembly made an inquiry at the State prison to ascertain the amount and value of my property which had been taken and not then returned to me, and after full investigation, fixed the value at the sum of thirty-four thousand five hundred and twenty-seven dollars and eighty-three cents. See report in Journal of Assembly, tenth session, page six hundred and twenty-four.

I am content to abide by this estimate of the committee, and take it as a correct statement of the amount of my claims (on the first of March, one thousand eight hundred and fifty-eight, or at the date of inquiry) for the actual value of my property taken and used, and I will now accept the sum named in satisfaction of the claim, waiving interest and damages against the individuals who made the seizure of my property.

When I recovered the possession of the prison (thirteenth May, one thousand eight hundred and fifty-nine), some portion of the property included in the estimate of the committee, and consisting of cattle, work, animals, tools, and furniture, came again into my hands. The payment of the sum named will of course give the State title to this portion of the property. The most valuable part of it consists of stock which was branded with the brand of the State at, or shortly after, the time when the property was seized.

If it is not desired that this property should belong to the State, its value will of course have to be deducted—say nine thousand five hundred and twenty seven dollars and eighty-three cents—thus reducing the amount to be paid to me to the sum of twenty-five thousand dollars.

I can submit to your committee a carefully prepared list of the property to which I refer, with its value, as determined by the Joint Committee of one thousand eight hundred and fifty-eight, and an inspection of that list will, I think, satisfy your committee that the sum of nine thousand five hundred and twenty-seven dollars and eighty-three cents is at least the full value of that portion of my property which I have recovered since the date of the report of the Assembly Committee of one thousand eight hundred and fifty-nine.

My claims against the State for cattle and beef have no connection whatever with the State prison contract. Those claims are for debts contracted by the State in one thousand eight hundred and fifty-five and one thousand eight hundred and fifty-six. They are as follows:

V	
Purpose.	Amount.
For cattle furnished to the State, for the use of the State prison, at a stipulated price, in one thousand eight hundred and fifty-five	311.804 42
writing	7,571 39
Amounting in all, without interest, to	\$19,375 81

These claims, so far as I am aware, are not disputed. The vouchers for them are on file in the office of the State Controller.

This communication, as well as any other which I may have occasion to address to your committee, is to be considered as presented in the course of a negotiation for compromise, and is not in any event to be used

in evidence, should such negotiation prove in a tual. The use attempt ed to be made of a former communication of mile renders it proper that I should protect myself by having this distinctly understood.

Respectfully, JOHN F. McCAULEY.

On motion of Mr. Wheeler, Senate Bill, No. 71 An Act authorizing the Construction of Where's at the foot of certain Streets in the City and County of Sea Francisco -was taken up and made the special order for to-morrow, at two, P. M.

Mr. Parker moved to take Senate Bill, No. 151. An Act to provide for the Payment of a Digest of the Decisions of the Supreme Court, and for

the distribution of the same, from the unfinished business.

Motion was lost.

Mr. Merritt offered the following resolution:

Resolved, That the Controller of State is hereby directed to draw his warrant on the State Treasurer in favor of Haam Lions, colored boy, for the sum of seventy-five dollars, payable out of the Contingent Fund of the Senate, for services as porter, and attendance on Judiciary Committee room of the Senate, from the commencement to the end of the present session of the Legislature.

Adopted.

On motion of Mr. Chase, the Senate adjourned.

I. N. QUINN.

President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Thursday, April 19, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Chase asked and obtained unanimous leave of the Senate to correct some figures in his report on Senate Bill, No. 117, An Act to provide for the Payment of Two Hundred Thousand Dollars of the Outstanding Indebtedness of the State.

REPORTS.

Mr. Dent, Chairman of Committee on Engrossed Bills, made the following report:

Mr. President:-The Committee on Engrossed Bills, have examined Senate Bill, No. 186, An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States;

Also, Senate Bill, No. 225, An Act to provide for the Compensation of

the State Registrar of the State of California;

Also, Senate Bill, No. 142, An Act amendatory of, and supplementary

to, an Act entitled "An Act to provide for the Funding and Payment of the Outstanding unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six."

And find the same correctly engrossed.

G. W. DENT,
Chairman.

Report accepted.

Mr. Clark, of the Sacramento Delegation, made the following report:

Mr. President:—The Sacramento Delegation, to whom was referred Assembly Bill, No. 443, An Act to amend an Act entitled "An Act to authorize the Executors of Joseph L. Folsom, deceased, to sell Real Estate of their Testator at Private Sale, so far as said Act relates to Lands situated in the County of Sacramento, having had the same under consideration, report it back, and recommend its passage.

CLARK, J. M. McDONALD.

Placed on file.

On motion of Mr. Clark, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Pico. Chairman of the Committee on Military Affairs, made the following report:

Mr. President:—The Committee on Military Affairs, to whom was referred Senate Bill, No. 296, An Act to provide for the Collection and Removal of Indians in the Counties of Mendocino and Humboldt, have had the same under consideration, and herewith return the bill, and recommend that it be indefinitely postponed.

PICO,

Chairman.

Placed on file.

Mr. Parker, of the San Francisco Delegation, made the following report:

Mr. President:—The delegation from the Fifth Senatorial District, to whom was referred Assembly Bill, No. 127, An Act to authorize Charles B. Polhemus, Robert Allen, John Perry, Jr. and W. Southwick, their Associates and Assigns, to constitute and keep in repair a certain Street, in the City and County of San Francisco, and to levy and collect Tolls thereon, have had the same under consideration, and recommend its passage without amendment.

S. H. PARKER,

For Delegation.

Placed on file.

On motion of Mr. Parker, the rules were suspended, and the bill just reported taken up and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. De la Guerra, by leave, introduced a bill for an act entitled An Act

to amend an Act entitled "An Act to Incorporate the City of Santa Barbara," passed April eighteenth, one thousand eight hundred and sixty.

Read first and second times.

On motion of Mr. De la Guerra, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. De la Guerra, the rules were further suspended, the bill considered engrossed, read a third time and passed, and the bill trans-

mitted to the Assembly.

Mr. Clark, by leave, introduced a bill for an act entitled An Act to provide for the Conveyance of the Interest of the Minor Illus of William E. P. Hartnell, deceased, in and to certain Real Estate in the County of Sacramento.

Read first and second times.

On motion of Mr. Clark, the rules were suspended and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Clark, the rules were further suspended, the bill considered engressed, read a third time and passed, and the tall transmitted to the Assembly.

Mr. Bradley, by leave, introduced a bill for an act entitled An Act to

audit and allow the Claim of Caroline E. Robertson.

Read first and second times.

On motion of Mr. Bradley, the rules were suspen led, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Bradley, the rules were further suspended, the bill considered engrossed, and read a third time.

On its passage, the ayes and noes were demanded by Mr. Dickinson, Leet, and Vance, and taken with the following result: Ayes, 12—noes, 7:

AYES-Messrs, Bradley, Ballou, De la Guerra, Dent, Denver, Franklin, Haynes, Leet, Peachy, Pico, Ryan, and Vance-12.

Noes-Messrs, Clark, Dickinson, Logan, Phelps, Redman, Sharp, and Wheeler-7.

So the bill passed.

On motion of Mr. Wheeler, the rules were suspended and Assembly Bill, No. 42, An Act to amend "An Act to exempt the Homestead and other Property from forced Sale, in certain cases," passed April twenty-first, one thousand eight hundred and fifty-one—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, and bill read a third time.

On its passage the ayes and noes were demanded by Mosses. McDonald, Logan, and Leet, and taken with the following result: Ayes, 21-noes, 4:

AYES-Messrs. Bradley, Ballou, Clark, De la Guerra, Dent, Denver,

Dickinson, Franklin, Haynes, Kirkpatrick, Leet, Merritt, Parker, Parks, Peachy, Redman, Ryan, Sharp, Titus, Watkins, and Wheeler-21.

NoES-Messrs. Logan, McDonald, Phelps, and Quinn-1.

So the bill passed.

On motion of Mr. De la Guerra, the rules were suspended, and Senate Bill, No. 219, An Act Appropriating Moneys for the benefit of certain Orphan Asylums in this State, was taken up and considered in Committee of the Whole and amended.

IN SENATE.

On motion of Mr. De la Guerra, the rules were further suspended, the bill considered engrossed, read a third time and passed, and the bill sent to Assembly.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 18, 1860.

Mr. President:-The Assembly this day passed Assembly Bill, No. 482, An Act for the Payment of certain Claims and Deficiencies.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 482, An Act for the Payment of certain Claims and Deficiencies-was read first and second times.

On motion of Mr. Logan, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Bill read a third time.

On motion of Mr. Merritt, the vote was reconsidered whereby the bill was ordered read a third time, and referred to the Committee on Claims.

FURTHER MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, April 19, 1860.

Mr. President:—The Assembly on yesterday, passed Senate Bill, No. \$06, An Act supplementary to, and explanatory of, an Act entitled "An Act to authorize the Collection of State and County Taxes in the County of Mariposa," approved April sixth, one thousand eight hundred and sixty;

Also, Senate Bill, No. 291, An Act to Create the Office of State Geolo-

gist, and define the Duties thereof;

Also, Senate Bill, No. 299, An Act to provide for the Collection of Delinquent Taxes, in Colusa County;

Also, Senate Bill, No. 280, An Act to fix the Compensation of the Dis-

trict Attorney of Tulare County;

Also, Senate Bill, No. 304, An Act to fix the times of the Meeting of the Board of Supervisors of Del Norte County;

Also, Senate Bill, No. 294, An Act to authorize the Secretary of State to sell certain refuse Stationery, belonging to the State;

Also, Assembly Bill, No. 401, An Act to provide for the better Collec-

tion of Foreign Miners' Lecenses;

Also, adopted Assembly Concurrent Resolution, No. 71, Relative to the Protest of President Buchanan, to the House of Representatives of the United States;

Also, concurred in Senate Concurrent Resolution, No. 74, Relative to sending the Original Vouchers on the Indian War Claims, to our Repre-

sentatives and Senators in Congress;

Also, on the twelfth instant, passed Assembly Bill, No. 458, An Act fixing the Terms of the District Court, County Court, Court of Sessions, and Probate Court, for the County of Mendoeino.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 401, An Act to provide for the better Collection of Foreign Miners' Licenses—was read first and second times, and referred to the Judiciary Committee.

Assembly Concurrent Resolution, No. 71, Relative to the Protest of President Buchanan, to the House of Representatives of the United

States.

Mr. Merritt, moved to lay the resolution on the table.

Upon which the ayes and noes were demanded by Messrs. Sharp, Leet, and Eagon, and taken with the following result: Ayes, 7—noes, 16:

Ayes-Messrs. Ballou, Clark, De la Guerra, Merritt, Patker, Peachy,

and Phelps-7.

Noes-Messrs, Bradley, Denver, Dickinson, Eagon, Franklin, Haynes, Kirkpatrick, Leet, Logan, Parks, Quinn, Redman, Ryan, Sharp, Titus, and Vance-16.

So the motion was lost.

On motion of Mr. Sharp, the resolution was referred to the Commit-

tee on Federal Relations.

Assembly Bill. No. 458, An Act fixing the Terms of the District Court, County Court, Court of Sessions, and Probate Court, for the County of Mendocino—was read first and second times, and referred to the Senator from that county.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMER, April 19, 1860.

Mr. President:—The Assembly, on the fourteenth instant, passed Assembly Bill, No. 332, An Act to provide for the Issue of Duplicate Certificates of Lands purchased from this State in all cases where the Originals have been Lost or Destroyed.

Also, Assembly Bill, No. 437, An Act for the better Protection of

Laborers, Mechanics, and other Workmen;

Also, Assembly Bill, No. 461, An Act to exempt certain Property from Taxation;

Also, Assembly Bill, No. 465, An Act concerning the Independent Order of Knighthood;

Also, Assembly Bill, No. 467, An Act to Fix the Compensation of the

County Judge of Contra Costa County;

Also, Assembly Bill, No. 469, An Act concerning Publications in Yolo

County;

Also, Assembly Bill, No. 478. An Act supplementary to an Act entitled "An Act to amend 'An Act to Regulate the Settlement of the Estates of Deceased Persons," passed February seven, one thousand eight hundred

and sixty;

Also, substitute for Assembly Bill, No. 117, An Act amendatory of, and supplementary to, an Act passed April twenty-four, one thousand eight hundred and fifty-eight, entitled "An Act to repeal an Act, passed March twenty-six, one thousand eight hundred and fifty-one, entitled "An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento."

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 332, An Act to provide for the Issue of Duplicate Certificates of Lands purchased from this State in all cases where the Originals have been Lost or Destroyed—was read first and second times, and referred to the Committee on Public Lands.

Assembly Bill, No. 437, An Act for the better Protection of Laborers, Mechanics, and other Workmen-was read first and second times, and

placed on file.

Assembly Bill, No. 461, An Act to Exempt certain Property from Taxation—was read first and second times, and referred to the Committee on Finance.

Assembly Bill, No. 465, An Act concerning the Independent Order of Knighthood—was read first and second times, and referred to the Committee on Public Morels

mittee on Public Morals.

Assembly Bill, No. 467, An Act to Fix the Compensation of the County Judge of Contra Costa County—was read first and second times, and referred to the delegation from that county.

Assembly Bill, No. 469, An Act concerning Publications in Yolo County—was read first and second times, and referred to the Senator from

that county.

Assembly Bill, No. 478, An Act supplementary to an Act entitled "An Act to amend 'An Act to Regulate the Settlement of the Estates of Deceased Persons,'" passed February seventh, one thousand eight handred and sixty—was read first and second times, and referred to the Judiciary Committee.

Assembly Bill, No. 117, An Act amendatory of, and supplementary to, an Act passed April twenty-four, one thousand eight hundred and fifty-eight, entitled "An Act to repeal an Act, passed March twenty-six, one thousand eight hundred and fifty-one, entitled 'An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento,' "—was read first and second times, and referred to the Sacramento Delegation.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DUPARTMENT,) Sacramento, April 19, 1860.

To the Honorable the Schate of California:

I have to inform your Honorable Body, that I have approved Senate Bill, No. 214, An Act for the Education and Care of the Inalgent Deaf, Dumb, and Blind, in the State of California;

Also, Senate Bill, No. 103, An Act for the Erection of a Bailling for a

State Rei'ria School, and for the Regulation of the same;

Also, Schute Bill, No. 5, An Act to authorize the Establishment of County Infirmaries for the Relief of the Indigent, and to amend an Act entitled "An Act to provide for the Indigent Sick in the Countries of this State," approved March thirty-one, one thousand eight lemired and fiftyfive;

Also, Senate Bill, No. 286, An Act to authorize the Administrator of the Estate of Albert Wardwell, deceased, to Sell the Real Estate of said de-

ceased at Public or Private Sale;

Also, Senate Bill, No 228, An Act amendatory of an Act entitled "An Act to establish Pilots and Pilot Regulations for Humbold: Bay and Bar," ap proved March eight, or e thousand eight hundred and s xtv

Also, Senate Bill. No. 278. An Act to authorize Joshua Charlemene and Jesiah Bacon to Corstruct and Maintain a Wharf at Lakeville, in the

County of Sonoma;

Also, Senate ball, No 261, An Act to audit and allow the Claim of J.

M. Warner:

Also, Senate Ell, No 241, An Act to provide for the Location of the

County Seat of Yolo County;

Also Senate P.E. X. 1.0. An Act to amend "An Act to an horize the Counties of the State of Calibraia to become Stockholbers in Railroad Companies," approach April sixteen, one thousand eight hunfred and

Also, Senate Bill. No. 274, An Act to Release certain Judgments. JOHN G. DOWNEY.

Governor.

INTRODUCTION OF BILLS.

Mr. Dent, by leave, introduced a bill for an Act entitled An Act to amend an Act entitled "An Act for the Government of the State Prison Convicts, and to provide for the Location of a Branch Prison," approved April twenty-four, one thousand eight hundred and fitty eight-which was read first and second times, and referred to the Committee on State Prison and Public Buildings.

Mr. Merritt, by leave, introduced a bill for an act entitled An Act supplementary to an Act entitled "An Act to Fund the Debt of the County or Mariposa, and provide for the Payment of the same," approved May fifteen, one thousand eight hundred and fifty-four-which was read first

and second times.

On motion of Mr. Merritt, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Merritt, the rules were further suspended, the bill

considered engrossed, read a third time and passed, and the bill transmitted to the Assembly.

Mr. Franklin asked and obtained leave of absence for Mr. Anderson,

for one day.

Mr. Clark, by leave, introduced a bill for an act entitled An Act to appropriate Money to Pay II. M. Stow, Assignee of Julius Schultz, for translating the Governor's Message in one thousand eight hundred and fiftynine, into the German Language.

Read first and second times.

On motion of Mr. Clark, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Clark, the rules were further suspended, the bill considered engrossed, and read a third time.

The question being on its passage, the Senate refused to pass the bill.

Mr. Lansing presented certain accounts, which were referred to the

Committee on Contingent Expenses.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee on Enrolled Bills, have examined, and found correctly enrolled, Senate Bill, No. 274, An Act to Release certain Judgments, and have taken the same to the Governor.

A. St. C. DENVER,

Chairman.

Report accepted.

Mr. Parks offered a Concurrent Resolution. Relative to meeting in Joint Convention to elect Trustees for the State Reform School.

Adopted.

GENERAL PULE.

Senate Bill, No. 225, An Act to provide for the Compensation of the State Registrar of the State of California—was read a third time.

On its passage, the ayes and nees were demanded, by Messrs. Phelps, Clark, and Dickinson, and taken with the following result: Ayes, 19-noes, 6:

AYES-Messes, Bradley, Ballou, Dent, Eagon, Franklin, Haynes, Kirkpatrick, Lansing, Leet, Logan, McDonald, Parker, Peachy, Quinn, Ryan, Sharp, Titus, Vance, and Watkins-19.

Noes-Messrs. Dickinson, Merritt, Parks, Phelps, Redman, and Wheel-

er-6.

So the bill passed.

Mr. De la Guerra, by leave, introduced a bill for an act entitled An Act making Appropriations for the Support of the Civil Government of this State for the Twelfth Fiscal Year, commencing on the first day of July, A. D. one thousand eight hundred and sixty, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty-one, inclusive.

Read first and second times.

On motion of Mr. Merritt, it was made the special order for to-morrow, at thirty minutes past ten, A. M.

GENERAL FILE, RESUMED.

Senate Bill. No. 186, An Act to facilitate the Establishment of Telegraphic Communication between California and the Atlantic States-was read a third time.

On its passage, the ayes and noes were demanded, by Messes, Eagon, Parks, and Ryan, and taken with the following result: Ayes, 15-noes, 9:

Ayrs-Messrs Bradley, Ballou, Clark, Cristenden, De la Guerra, Denver, Eagon. Kirkpatrick, Lansing, Logan, Sharp, Trus, Vance, Watkins, and Wheeler-15.

Noes-Messrs Dent, Dickinson, Franklin, Leet, Merritt, Parks, Peachy,

Quinn, and Ryan-9.

So the bill passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 19, 1860.

Mr. PRESIDENT :- The Assembly have this day passe I Serate Bill, No. 247, An Act authorizing the Board of Directors of the State Library to purchase certain Newspaper Files, and to provide for the Payment of the same, with an amon buent:

Also, Assembly Bid. No. 485, An Act to authorize and require the State

Treasurer to issue War Bends for the Polisf of I. S. P. Bass & Co.; Also, Assembly Bill, No. 464, An Act to authorize the Board of Super-

visors of San Mateo County to levy a Special Tax for Road Purposes; Also, Assembly Bill, No. 459. An Act to define the Dates of Officers and Employes of the Assembly, establishing their Pay, and to repeal all existing Laws relating thereto.

J. M. ANDERSON. Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MISSAGE.

Assembly amendment to Senate Bill, No. 257, An Act archaging the Board of Directors of the State Library to purchase certain Newspaper Files, and to provide for the Payment of the same-was concurred in.

Assembly Bill, No. 485, An Act to authorize and require the State Treasurer to issue War Bonds for the Relief of I. S. P. Bass & Co.-was read

first and second times, and referred to the Committee on Clain's.

Assembly Bul, No. 454, An Act to authorize the Board of Supervisors of San Mateo County to levy a Special Tax for Road Purposes-was read first and second times, and referred to the Senator from that county.

Assembly Bill, No. 459, An Act to define the Duties of Officers and Employés of the Assembly, establishing their Pay, and to repeal all existing Laws in relation thereto-was read first and second times.

On motion of Mr. Ballou, the rules were suspended, and the bill con-

sidered in Committee of the Whole.

IN SENATE.

Mr. Clark moved to refer the bill to the Committee on Public Expenditures, with instructions to make it applicable to the Senate. Lost.

The bill was then read a third time and passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 19, 1860.

Mr. President:-The Assembly this day passed Assembly Bill, No. 19, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the Payment of the same, " passed May first, one thousand eight hundred and fifty-one, approved April thirtieth, one thousand eight hundred and fifty-eight;

Also, Assembly Bill, No. 453, An Act for the Relief of the Heirs of P.

Dillon.

Respectfully,

J. M. ANDERSON,

Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 19, An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the Payment of the same," passed May first, one thousand eight hundred and fifty-one, approved April thirtieth, one thousand eight hundred and fifty-eight-was read first and second times, and referred to the San Francisco Delegation.

Assembly Bill, No. 453, An Act for the Relief of the Heirs of P. Dillon

-was read first and second times.

On motion of Mr. Phelps, the rules were suspended, and the bill read a third time and passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

April 19, 1860.

Mr. President:—The Assembly on yesterday adopted Assembly Concurrent Resolution, No. 74, Relative to Pay of Julius Schultz;
Also, this day, adopted Assembly Concurrent Resolution, No. 77, re-

scinding Assembly Concurrent Resolution, No. 67, Relative to Adjournment sine dic.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution, No. 74, Relative to Pay of Julius Schultz.

On motion of Mr. Clark, laid on the table.

Assembly Concurrent Resolution, No. 77, rescinding Concurrent Resolution, No. 67, Relative to Adjournment sine die.

Mr. Titus moved to lay the resolution on the table.

Upon which, the ayes and noes were demanded, by Messrs. Ryan, Peachy, and Leet.

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Pending which, Mr. Sharp moved a call of the Senate.

Carried.

Absent -Messrs. Chase, Crittenden, Elgerton, O'Farrell, Pico, Redman,

The Sergeant-at-Arms was dispatched for absentees.

On motion of Mr. Ryan, further proceedings under the call were dispensed with.

The question recurring on the motion to lay the resolution on the table. Upon which the ayes and noes had been demanded, and were taken with the following result: Ayes, 17-noes, 11:

Ayes-Messrs, Ballou, Crittenden, De la Guerra, Denver, Dickinson, Franklin, Lansing, Leet, Logan, McDonald, Parker, Peachy, Phelps, Rvan, Sharp, Titus, and Watkins-17.

Nors-Messrs. Bradley, Clark, Dent, Eagon, Haynes, Merritt, Parks, Quinn, Redman, Vance, and Wheeler-11.

So the motion prevailed. On motion of Mr Clark, Assembly Concurrent Resolution, No. 74, Relative to Pay of Julius Schultz-was taken from the table and amended by striking out "fifty-five," and inserting "fifty-nine," and the resolution

as amended, was concurred in.

On motion of Mr. Titus, Senate Bill, No. 164, An Act amendatory of an Act entitled "An Act authorizing the Treasurer of the State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State." approved April twenty-fifth, one thousand eight hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, one thousand eight hundred and fiftynine-was taken up, substitute adopted, and considered in Committee of the Whole.

IN SLNATE.

On motion of Mr. Clark, the bill was placed at the top of the file.

SPECIAL ORDER.

Senate Bill, No. 71, An Act authorizing the Construction of Wharfs at the foot of certain Streets, in the City and County of San Francisco.

Mr. Peachy moved a call of the Senate.

Upon which the ayes and noes were demanded, by Messrs, Clark, Phelps, and Peachy, and taken with the following result; Ayes, 13noes, 12:

Aves-Messrs. Bradley, Ballou, Clark, Haynes, Kirkpatrick, Lansing, McDonald, Parks, Peachy, Phelps, Redman, Ryan, and Sharp-13.

Noes-Messrs. Anderson, Chase, Crittenden, Dent, Dickinson, Eagon, Franklin, Leet, Logan, Titus, Vance, and Wheeler-12.

So the motion prevailed.

Roll called.

Absent-Messrs. Eagon, Lansing, Merritt, O'Farrell, Parker, Quinn, and Watkins.

Mr. Quinn, appearing at the bar of the Senate, was admitted. Mr. Parker, appearing at the bar of the Senate, was admitted. Mr. Eagon, appearing at the bar of the Senate, was admitted.

On motion of Mr. Leet, further prodeedings under the call were dispensed with.

Mr. Ryan moved to make the bill the special order for Monday, April

twenty-third, at two, P. M.

Lost.

Mr. Ryan moved to make the bill the special order for Saturday, April twenty-first, at two, P. M.

Lost.

The bill was then considered in Committee of the Whole.

IN SENATE.

Mr. Parker moved to re-refer to the San Francisco Delegation.

Upon which the ayes and noes were demanded, by Messrs. Parker, Bradley, and Dickinson, and taken with the following result: Ayes, 15—noes, 13:

AYES-Messrs. Clark, De la Guerra, Dent, Haynes, Kirkpatrick, McDonald, O'Farrell, Parker, Peachy, Phelps, Pico, Quinn, Redman, Ryan, and Sharp-15.

Noes-Messrs. Anderson, Bradley, Ballou, Chase, Dickinson, Eagon, Edgerton, Franklin, Lansing, Leet, Logan, Titus, and Wheeler-13.

So the motion prevailed.

GENERAL FILE, RESUMED.

Senate Bill, No. 164, An Act amendatory of an Act entitled "An Act authorizing the Treasurer of the State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties of this State," approved April twenty-fifth, one thousand eight hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, one thousand eight hundred and fifty-nine—was considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

Mr. Leet moved to amend by striking out "one hundred," and inserting "twenty-five."

Lost

On motion of Mr. Titus, the rules were suspended, the bill considered

engrossed, and read a time.

On its passage, the ayes and noes were demanded, by Messrs. Leet, Vance, and Merritt, and taken with the following result: Ayes, 17—noes, 12:

AYES-Messrs. Anderson, Bradley, Ballou, Clark, Crittenden, Dent, Denver, Eagon, Franklin, Lansing, Logan, Merritt, Peachy, Quinn, Redman, Titus, and Vance-17.

Noes-Messrs. De la Guerra, Dickinson, Haynes, Kirkpatrick, Leet, McDonald, O'Farrell, Parker, Parks, Phelps, Pico, and Ryan-12.

So the bill passed.

On motion of Mr. Logan, the vote was reconsidered, whereby the resolution Relative to Extra Pay of the Minute Clerk, was lost on yesterday, and the resolution was then taken up and adopted.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 19, 1860.

Mr. President:—The Assembly this day concurred in Senate Concurrent Resolution, No. 72, Relative to the Printing of the State Agricultural Society Report;

Also, passed Assembly Bill, No. 414, An Act amendatory of, and supplementary to, "An Act to Regulate Proceedings in Civil Cases," passed

April twenty-ninth, one thousand eight hun ir I and fifty-one;

Also, Assembly Bill, No. 415. An Act to amend an Act entitled "An Act to confer upon the San Francisco and Marysville Railread Company. Incorporated under the Laws of this State, or ain Rights as a Privile res," approved April fourth, one thousand eight hundred and fifty-eight.

R. K. WESTON.
Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 414, An Act amendatory of, and supplementary to, cAn Act to Regulate Proceedings in Civil Cases," passed April twenty-ninth, one thousand eight hundred and firly one—was read first and

second times, and referred to the Juliciary Committee.

Assembly Bill, No. 415, An Act to amend an Act entitled "An Act to confer upon the San Francisco and Marysville Reinroad Compecty, Incorporated under the Laws of this State, certain Rights and Privileges," approved April fourth, one thousand eight hundred and fifty-eight—was read first and second times, and referred to the Committee on Corporations.

On motion of Mr. Bradley, the rules were suspended, and Assembly Bill, No 97. An Act amendatory of, and supplementary to, "An Act, approved April twenty-ninth, one thousand or ht handred and fifty-seven, to provide Revenue for the Support of the Government of this State, from a Tax to be Levied and Collected from Foreign and Inland Bills and other matter"—was taken up.

Mr. Quinn moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded, by Messrs. Quinn, Engon, and Irradicy, and taken with the following result: Ayes, 11-noes, 12:

Aves — Messrs. Ballou, Dickinson. Franklin, Kirkpatrick, Merritt, O'Farrell, Parker, Peachy, Phelps, and Qainn—11.

Noes - Messrs. Bradley, Clark, Crittenden, Dent, Denver, Eagon, Haynes, Lansing, Leet, McDonald, Redman, and Ryan-12.

So the motion was lost.

The bill was then considered in Committee of the Whole.

IN SENATE.

Mr. Titus moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Rvan, Clark, and Dickinson, and taken with the following result: Ayes, 12-noes, 16:

Aves-Messrs. Anderson, Dickinson, Franklin, Kirkpatrick, Logan, McDonald, Merritt, Parker, Phelps, Quinn, Titus, and Wheeler-12.

Nors-Messrs. Bradley, Clark, Crittenden, De la Guerra, Dent, Denver, Eagon, Haynes, Lansing, Leet, O'Farrell, Peachy, Pico, Redman, Ryan, and Sharp-16.

So the motion was lost.

Further consideration in Committee of the Whole.

IN SENATE.

Mr. Quinn moved to amend by striking out "one hundred and fifty,"

and inserting "one hundred."

Upon which the ayes and noes were demanded by Messrs. Quinn, Bradley, and McDonald, and taken with the following result: Ayes, 17-noes, 8:

AYES-Messrs. Clark, Franklin, Haynes, Kirkpatrick, Lansing, Logan, McDonald, Merritt, Parker, Peachy, Phelps, Quinn, Redman, Ryan, Sharp, Titus, and Wheeler-17.

Noes-Messrs. Bradley, Crittenden, De la Guerra, Dent, Denver, Eagon,

Leet, and Pico-8.

So the amendment was adopted

On motion of Mr. Crittenden, the bill was amended by striking out "five per cent." and inserting "seven per cent."

Mr. Quinn moved to strike out the word "each."

Lost

Mr. Sharp moved to amend by striking out the word "Governor," wherever it occurs in the bill, and in lieu thereof insert the word "Controller." Lost.

The bill was then read a third time, and on its passage the ayes and noes were domanded by Messrs. Titus, McDonald, and Quinn, and taken with the following result: Ayes, 20—noes, 8:

Aves-Messrs. Anderson, Bradley, Clark, Crittenden, De la Guerra, Dent, Denver, Eagon, Haynes, Lansing, Leet, Logan, Merritt, O'Farreil, Peachy, Pico, Quinn, Redman, Ryan, and Sharp-20.

Noes-Messrs, Dickinson, Franklin, Kirkpatrick, McDonald, Parker,

Phelps, Titus, and Wheeler-8.

So the bill passed.

Mr. Quinn gave notice that he would on to-morrow, move for a reconsideration of the vote just taken.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the

following report:

Mr. President:—The Committee on Enrolled Bills have examined and found correctly enrolled Senate Concurrent Resolution, No. 74, Relative te Sending the Original Voucher on the Indian War Claims to our Representatives and Senators in Congress, and have taken the same to the Governor.

A. St. C. DENVER, Of Committee.

Mr. Lect offered the following concurrent resolution:

Resolved. By the Senate, the Assembly concurring, that the Legislature of the State of California do adjourn sine die on Monday, the thirtieth day of April, one thousand eight hundred and sixty, at twelve o'clock, M and that no new business shall be received in either House, after Tuesday, the twenty-fourth of April, one thousand eight hundred and sixty.

Pending which, on motion of Mr. Titus, the Senate adjourned.

I. N. QUINN, President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Saturday, April 20, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. Watkins moved to reconsider the vote whereby Assembly Concurrent Resolution, No. 77, Rescinding Assembly Concurrent Resolution, No. 67, Relative to Adjournment sine die-was laid on the table on yesterday.

Upon which, the ayes and noes were demanded by Messrs. Eagon, Vance, and Phelps, and taken with the following result: Ayes, 20-noes, 11:

AYES-Messrs, Anderson, Bradley, Ballou, Clark, Chase, Crittenden, Dent, Dickinson, Eagon, Franklin, Haynes, Lansing, Leet, Logan, Pico, Quinn, Redman, Vance, Watkins, and Wheeler—20.
Noes—Messrs. De la Guerra, Kirkpatrick, McDonald, Merritt, O'Far-

rell, Parker, Parks, Peachy, Phelps, Ryan, and Sharp-11.

So the vote was reconsidered.

The question being on concurring in the resolution,

Mr. Peachy moved to make it the special order for Monday, April twen-

ty-third, at twelve, M.

Upon which, the aves and noes were demanded by Messrs. Watkins, Eagon, and Vance, and taken with the following result: Ayes, 15-noes, 17:

Ayes-Messrs. Crittenden, De la Guerra, Haynes, Kirkpatrick, Mc-Donald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Ryan, Sharp, and Titus-15.

Nors-Messrs, Anderson, Bradley, Ballou, Chase, Dent, Denver, Dickinson, Eagon, Franklin, Lansing, Leet, Logan, Quinn, Redman, Vance,

Watkins, and Wheeler-17.

So the motion was lost.

Mr. Phelps moved to amend the resolution so as to read as follows: After the word "rescinded," add "and that the Legislature of the State of California do adjourn sine die on Thursday, April twenty-sixth, one thousand eight hundred and sixty, at twelve, M." Mr. Redman offered the following as a substitute to the amendment:

And that the Legislature of the State of California do adjourn sine die on Monday, the thirtieth day of April, A. D. one thousand eight hundred and sixty, at twelve o'clock, M.; and that no new business shall be introduced in either House after Tuesday, April twenty-fourth, one thousand eight hundred and sixty.

The question being on the adoption of the resolution, as amended, the ayes and noes were demanded by Messrs. Merritt, Eagon, and Sharp, and

taken with the following result: Ayes, 20-noes, 12:

AYES-Messrs. Anderson, Bradley, Ballou, Chase, Crittenden, Dent, Denver, Dickinson, Franklin, Haynes, Lansing, Leet, Logan, Parks, Quinn, Redman, Ryan, Vance, Watkins, and Wheeler-20.

Noes-Messes. De la Guerra, Eagon, Kirkpatrick, McDonald, Merritt,

O'Farrell, Parker, Peachy, Phelps, Pico, Sharp, and Titus-12.

So the resolution, as amended, was concurred in.

SPECIAL ORDER.

The Governor's Message, returning without his approval, Senate Bill, No. 167, An Act in relation to a Sea-Wall, or Bulkhead, in the City and County of San Francisco-was taken up.

The question being, "Shall the bill pass, notwithstanding the objections

of the Governor?"

Mr. Anderson moved to lay the bill on the table.

Mr. Phelps moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Clark, Quinn, and Titus.

The Sergeant-at-Arms was dispatched for absentees.

Messrs. Clark, Quinn, and Titus, appearing at the bar of the Senate, were admitted.

On motion of Mr. Merritt, further proceedings under the call were dis-

The question being on laying the Governor's Message on the table.

Mr. McDonald rose to a point of order, that it is not in order to lay the Message on the table.

The Chair decided that the point of order was not well taken, from

which decision Mr. McDonald appealed.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?

The ayes and noes were demanded by Messrs. McDonald, Parks, and Vance, and taken with the following result: Ayes, 28-noes, 5:

AYES-Messrs, Anderson, Bradley, Ballou, Clark, Chase, Crittenden, De la Guerra, Dent, Denver, Dickinson, Eagon, Edgerton, Franklin, Haynes, Kirkpatrick, Leet, Logan, Merritt, Peachy, Pico, Quinn, Redman, Ryan, Sharp, Titus, Vance, Watkins, and Wheeler—28.

Noes-McDonald, O'Farrell, Parker, Parks, and Phelps-5.

So the decision of the Chair was sustained.

The question recurring on the motion to lay the message on the table, the ayes and noes were demanded by Messrs. Phelps, Logan, and Vance, and taken with the following result: Ayes, 18-noes, 16:

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Your committee have also had under advisement Assembly Bill, No. 394, entitled An Act to amend "An Act Creating a Board of Commissioners, and the Office of Overseer, in each Township of the several Counties of this State, to Regulate Water-Courses within their respective limits," passed May fifteenth, one thousand eight hundred and fifty-four, and report the bill back, and recommend its passage.

Your committee have also had under consideration Assembly Bill, No. 263, entitled An Act amendatory of "An Act supplementary to an Act entitled An Act to Regulate the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one, and report the bill back,

and recommend its passage.

Your committee have also had under advisement Assembly Bill, No. 431, entitled An Act concerning Apprentices and Servants, and report

the bill back and recommend its passage.

Your committee have also had under consideration Senate Bill, No. 307, entitled An Act concerning the Action of Libel, and report the bill back with the following amendment, and recommend its passage as amended.

Mr. Merritt, dissenting.

Amend section first, by adding the following proviso: provided, that when an action has been instituted in any one county, no other action shall be commenced in any county between the same parties, for the writing, printing, publishing, or circulating, of the same defamatory matter.

Your committee have also had under advisement substitute for Assembly Bill, No. 120, entitled An Act in relation to Mining Copartnerships, and report the bill back, and recommend that the same be indefinitely postponed.

Respectfully submitted.

MERRITT, Chairman.

Placed on file.

Mr. Sharp, of the San Francisco Delegation, made the following report:

Mr. President:—The delegation from the Fifth Senatorial District, to whom was referred Senate Bill, No. 135, have had the same under consideration, and now report the same back, and recommend that it be amended by striking out sections one, three, seventeen, and eighteen, and also recommend the passage of the same as amended.

SOL. A. SHARP,

For the Delegation.

Placed on file.

Mr. Bradley offered the following resolution:

Resolved, By the Senate, that the Assembly be requested to return to the Senate, Assembly Bill, No. 443, An Act to amend an Act entitled "An Act to authorize the Executors of Joseph L. Folsom, deceased, to sell Real Estate of their Testator at Private Sale," so far as said act relates to lands situated in the County of Sacramento.

Pending which, Mr. Peachy moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Ballon, De la Guerra, Eagon, Edgerton, Kirkpatrick, O'Farrell, Pico, and Wheeler.

The Sergeant-at-Arms was dispatched for the absentees.

Messrs. De la Guerra, Leet, Ballou, O'Farrell, and Kirkpatrick, appearing at the bar of the Senate, were admitted.

On motion of Mr. Clark, further proceedings under the call were dis-

pensed with.

The question recurring on the adoption of the resolution, the aves and noes were demanded by Messrs. Clark, Leet, and Vance, and taken with the following result: Ayes, 15-noes, 13:

Ayes—Messrs. Bradley, Crittenden, De la Guerra, Lansing, Logan, Merritt, O'Farrell, Parker, Peachy, Phelps, Pico, Redman, Rvan, Watkins, and Wheeler-15.

Noes-Messrs, Anderson, Ballou, Clark, Dent, Denver, Dickinson, Ea-

gon, Franklin, Haynes, Leet, McDonald, Titus, and Vance-13.

So the resolution was adopted.

Mr. Anderson, made a verbal report, recommending the passage of Assembly Bill, No. 415, An Act to amend an Act entitled "An Act to confer upon the San Francisco and Marysville Railroad Company, incorporated under the laws of this State, certain Rights and Privileges," approved April twenty-fourth, one thousand eight hundred and fifty-eight.

On motion of Mr. Anderson, the rules were suspended, and the bill

considered in committee of the Whole.

IN SENATE.

Bill read a third time, and on its passage the aves and noes were demanded by Messrs. Bradley, Ryan, and O Farrell, and taken with the following result: Ayes, 21—noes, 3:

Ayes-Messrs. Anderson, Ballou, Clark, Dickinson, Eagon, Franklin, Haynes, Kirkpatrick, Lansing, Logan, McDonald, O'Farrell, Parker, Parks, Quinn, Redman, Ryan, Sharp, Titus. Vance, and Wheeler—21. Noes-Messrs. Bradley, Dent, and Merritt—3.

So the bill passed.

Mr. O'Farrell, verbally reported, and recommended the passage of Assembly Bill, No. 458, An Act fixing the Terms of the District Court, County Court, Court of Sessions, and Probate Court, for the County of Mendocino.

On motion of Mr. O'Farrell, the rules were suspended, and the bill just

reported, was taken up, read a third time and passed.

On motion of Mr. Bradley, Senate Bill, No. 199, An Act for the Protection of Fisheries, was taken from file, and referred to a special committee of three.

The Chair appointed as such committee, Messrs. Bradley, Dent, and

Mr. Denver, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President—The Committee on Enrolled Bills, have examined, and found correctly enrolled Senate Bill, No. 271, An Act authorizing the Board of Supervisors of the City and County of Sacramento, to Levy a Special Tax;

Also, Senate Bill, No. 301, An Act to authorize the Board of Supervisors of the City and County of San Francisco, to Subscribe to the Capital

Stock of the San Francisco and San José Railroad Company;

Also, Senate Bill, No. 303, An Act to authorize the Board of Supervisors of the County of San Mateo, to Subscribe to the Capital Stock of the San Francisco and San José Railroad Company, and have this day taken the same to the Governor.

A. Sr. C. DENVER, Chairman.

Accepted.

On motion of Mr. Merritt, the special order was taken up.

SPECIAL ORDER.

Senate Bill, No. 320, An Act making Appropriations for the Support of the Civil Government of this State for the Twelfth Fiscal Year, commencing on the first day of July, A. D. one thousand eight hundred and sixty, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty-one, inclusive—was taken up, and considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Titus, the rules were suspended, the bill considered engrossed, read a third time and passed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

April 20, 1860

Mr. PRESIDENT:—The Assembly on yesterday passed Senate Bill, No. 313, An Act amending an Act entitled "An Act to Incorporate the Town of Auburn," approved March thirtieth, one thousand eight hundred and sixty;

Also, Senate Bill, No. 315, An Act to amend an Act entitled "An Act to Incorporate the City of Santa Barbara," passed April eighteenth, one

thousand eight hundred and sixty;

Also, Senate Bill, No. 316, An Act to audit the Claim of Caroline A.

Robertson;

Also, Senate Bill, No. 312, An Act to authorize the Town of Auburn to take and subscribe Fifty Thousand Dollars to the Capital Stock of the Sacramento, Placer, and Nevada, Railroad Company;

Also, Substitute for Senate Bill, No. 163, An Act to audit the Claim of

D. O. Mills & Co.;

Also, refused to recede from its amendments to Senate Bill, No. 310, An Act to authorize the Board of Supervisors of Santa Clara County to Subscribe to the Capital Stock of the San Francisco and San José Railroad Company, and have appointed as Committee of Free Conference on part of the House, Messrs. Williams, Beach, and Gallagher;

Also, concurred in Senate Concurrent Resolution, No. 34, Relative to a

Joint Convention to elect two Trustees of the Insane Asylum;

Also, Concurrent Resolution, No. 34, Relative to meeting in Joint Convention to elect Trustees of the State Reform School.

R. K. WESTON.

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill. No. 310, An Act to authorize the Board of Supervisors of Santa Chara County to Subscribe to the Capital Stock of the San Francisco and San José Railroad Company—was taken up.

On motion of Mr. Redman, a Committee of Free Conference was ap-

pointed, to n. et a similar committee on part of the House.

* The Chair appointed as such committee, Messrs. Reliman, Denver, and Kirkpatrick.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 20, 1860.

Mr. President:—The Assembly on the fourteenth instant, passed Assembly Birl, No. 462, An Act to grant the right to construct a Bridge across South Eel River, Mendocino County, to certain Parties therein named;

Also, on yesterlay, Assembly Bill, No. 417. An Act amendatory of, and supplementary to, an Act approved March seventh, one thousand eight hundred and sixty, entitled "An Act to Prohibit Gaming;"

Also, Assembly Bill, No. 297, An Act to amend "An Act concerning Hogs found Running at Large in certain Counties," passed April twenty-

first, one thousand eight hundred and fifty-six;

Also, concurred in Senate amendments to substitute for Assembly Bill, No. 42, An Act to amend "An Act to exempt the Homestend and other Property from Forced Sale in certain Cases," passed April twenty-first, one thousand eight hundred and fifty-one;

Also, concurred in Assembly Concurrent Resolution, No. 74, Relative

to Pay of Julius Schultz;

Also, adopted Assembly Concurrent Resolution, No. 76, Relative to Leave of Absence to the Public Administrator of Tehama County.

R. K. WESTON,

As't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 462, An Act to grant the right to construct a Bridge across South Eel River, Mendocino County, to certain Parties therein named—was read first and second times, and referred to the delegation from that county.

Assembly Bill. No. 417, An Act amendatory of, and supplementary to, an Act approved March seventh, one thousand eight hundred and sixty, entitled "An Act to Prohibit Gaming"—was read first and second times,

and referred to the Judiciary Committee.

Assembly Bill, No. 297, An Act to amend "An Act concerning Hogs found Running at Large in certain Counties." passed April twenty-first, one thousand eight hundred and fifty-six—was read first and second times, and referred to the Committee on Agriculture.

Assembly Concurrent Resolution, No. 76, Relative to Leave of Absence to the Public Administrator of Tehama County—was taken up and con-

curred in.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 20, 1860.

Mr. President:—The Assembly on yesterday concurred in Senate amendment, No. 2, and refuse to concur in Senate amendments, Nos. 1, 3, and 4, to substitute for Assembly Bill, No. 203, An Act to prevent the closing up of Public Highways where the same cross Streams that become Dry or Fordable, at any Season of the Year, throughout the State;

Also, have this day adopted Assembly Concurrent Resolution, No. 73,

Relative to Instructions to Controller of State.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 203, An Act to prevent the closing up of Public Highways where the same cross Streams that become Dry or Fordable, at any Season of the Year, throughout the State—was taken up.

The question being on the Senate receding from their amendments-

was put, and the Senate refused to recede.

Mr. Eagon moved the appointment of a Committee of Free Conference.

Carried.

The President appointed Messrs. Eagon, Merritt, and Haynes, as committee on behalf of the Senate.

Assembly Concurrent Resolution, No. 78, Relative to Instructions to Controller of State—was taken up and concurred in.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

April 20, 1860.

Mr. President:—I am directed to inform the Senate, that the Assembly refuse to comply with the request of the Senate to return Assembly Bill, No. 443, An Act to amend an Act entitled "An Act to authorize the Executors of Joseph L. Folsom, deceased, to sell Real Estate of their Testator at Private Sale, so far as relates to Lands situated in the County of Sacramento.

R. K. WESTON,

Assistant Clerk of Assembly.

Mr. Leet moved that the Senate do now adjourn.

Lost.

Mr. Lansing, of Nevada Delegation, verbally reported back Assembly Bill, No. 356, An Act to extend the time for Collecting Taxes in the County of Nevada, recommending its passage—Mr. Chase recommending that it do not pass.

Mr. Anderson, by leave, introduced a bill for an act entitled An Act in

relation to the City and County of San Francisco.

Read first and second times.

On motion of Mr. Ryan, the bill was referred to the Committee on Commerce and Navigation, with instructions to report to-morrow, at twelve, M.

Mr. Merritt moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Leet,

Eagon, and Denver, and taken with the following result: Aves, 18noes, 6:

Ayes-Messrs, Anderson, Bradley, De la Guerra, Dent, Dickinson Franklin, Haynes, Kirkpatrick, Logan, McDonald, Merritt, Parks, Phelps, Pico, Redman, Ryan, Titus, and Wheeler-18.

NoLS-Messrs. Denver, Eagon, Lansing, Leet, Peachy, and Quinn-6.

So the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of Senate.

IN SENATE.

SENATE CHAMBER, Saturday, April 21, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

Mr. O'Farrell presented a petition from citizens of Marin County, Rela-

tive to declaring Novato Creek, or Estuary, Navigable.

Mr. O'Farrell, by leave, introduced a bill for an act entitled An Act declaring Novato Creek, or Estuary, Navigable—which was read first and second times.

On motion of Mr. O'Farrell, the rules were suspended, the bill considered engrossed, read a third time and passed, and the Forty-Firth Rule suspended, and the bill transmitted to the Assembly.

Mr. Bradley, of Special Committee, made the following report:

REPORTS.

Mr. President:-Your Committee, to whom was referred Senate Bill, No. 199, An Act for the Protection of Fisheries, have had the same under consideration, and herewith return the bill with certain amendments, and recommend its passage when so amended.

BRADLEY. DENT, LEET Committee.

On motion of Mr. Leet, the bill just reported was placed at the top of the file.

Mr. Parker, of Committee on Public Morals, made the following report:

Mr. President:-The Committee on Public Morals, to whom was referred Assembly Bill, No. 465, An Act concerning the Independent Order of Knighthood, have had the same under consideration, and recommend the passage of the same without amendment.

S. H. PARKER,
For the Committee.

On motion of Mr. Parker, the rules were suspended, and the bill just reported was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time.

On motion of Mr. Anderson, the vote was reconsidered by which the bill was ordered read a third time.

On motion of Mr. Parker, the bill was referred to the Committee on

Corporations.

Mr. Dent verbally reported Assembly Bill, No. 467, An Act to Fix the Compensation of the County Judge of Contra Costa County, recommending its passage.

On motion of Mr. Dent, the rules were suspended, and the bill con-

sidered in Committee of the Whole.

IN SENATE.

The bill read a third time and passed.

On motion of Mr. Anderson, the rules were suspended, and Senate Bill, No. 295, An Act to provide for the Report and Decisions of the Supreme Court—was taken up and considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Anderson, the rules were further suspended, the bill considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

Mr. Phelps, of the San Francisco Delegation, made the following re-

port:

Mr. President:—The delegation from San Francisco and San Mateo, to whom was referred Assembly Bill, No. 399, An Act to authorize the Board of Supervisors of the City and County of San Francisco to Pay certain Claims, have had the same under consideration, and report the bill back, and recommend its passage.

PHELPS.

For the Delegation.

On motion of Mr. Phelps, the rules were suspended, and the bill just reported was taken up, read a third time, and passed.

Mr. Watkins, of Committee on Commerce and Navigation, made the

following majority report:

Mr. President:—The Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 231, An Act in Relation to the City and County of San Francisco, have had the same under consideration, and a majority of the committee recommend the passage of the same.

WATKINS, BRADLEY, RYAN.

Mr. Peachy, Chairman of said Committee, made the following minority report:

Mr. President:—The undersigned, a member of the Committee on Commerce and Navigation, to whom was referred Senate Bill, No. 321,

An Act in Relation to the City and County of San Francisco, recommends that the bill be indefinitely postponed.

PEACHY, Chairman.

The bill, together with the reports, were placed on file.

Mr. Sharp, of San Francisco Delegation, verbally reported back Assembly Bill, No. 19, An Act amending an Act entitled "An Act to amend an Act entitled 'An Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the Payment of the same," passed May one, one thousand eight hundred and fifty-one, approved April twenty, one thousand eight hundred and fitty-eight.

Messrs, Sharp and Peachy reported in favor of the bill, and Messrs.

Parker and Phelps against it.

Mr. Sharp moved to suspend the rules, and consider the bill just reported, now.

Lost, and bill placed on file.

On motion of Mr. Peachy, the rules were suspended, and Senate Bill, No. 283, An Act in addition to "An Act for the Redict of Insolvent Debtors and the Protection of Creditors," passed May four, one thousand eight hundred and fifty-two, and to amen't the same-was taken up, considered in Committee of the Whole, and amended.

IN SENATE

Amendments concurred in, and till ordered engrossed, and read a third time.

Mr. Pico, of the Los Angeles Delegation, made the following report:

Mr. PRESIDENT :- The undersigned, the delegation from the First Senatorial District, to whom was referred Assembly Bill, No. 300, An Act to Reincorporate the City of Los Angeles, has had the same under consideration, and reports it back to the Senate, and recommends its passage with the following amendments:

ANDRES PICO,

Delegation from First Senatorial District.

On motion of Mr. Logan, the rules were suspended, and the bill just reported was taken up, considered in Committee of the Whole, and the amendments recommended by the delegation adopted.

IN SENATE.

Amendments concurred in, and the bill read a third time, and passed. Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT :- The Committee on Enrolled Bills have examined, and found correctly enrolled, Senate Bill, No. 299, An Act to provide for the Collection of Delinquent Taxes in Colusa County;

Also, Senate Bill, No. 304, An Act to Fix the Times of the Meeting of

the Board of Supervisors of Del Norte County;

Also, Senate Bill, No. 306, An Act supplementary to, and explanatory of, an Act entitled "An Act to authorize the Collection of State and County Taxes in the County of Mariposa," approved April six, one thousand eight hundred and sixty;

Also, Senate Bill, No. 294, An Act to authorize the Secretary of State

to Sell certain Refuse Stationery belonging to the State;

Also, Senate Bill, No. 247, An Act authorizing the Board of Directors of the State Library to Purchase certain Newspaper Files, and to provide for the Payment of the same;

Also, Senate Bill, No. 291, An Act to Create the Office of State Geolo-

gist, and define the Duties thereof;

Also, Senate Bill, No. 280, An Act to Fix the Compensation of the Dis-

trict Attorney of Tulare County;

Also, Senate Bill, No. 63, An Act to audit and allow the Claim of D. O. Mills & Co., and have taken the same to the Governor.

A. St. C. DENVER,

Chairman of Committee.

Report accepted.

On motion of Mr. Wheeler, the rules were suspended, and Senate Bill, No. 307, An Act concerning the Action of Libel, was taken up and considered in Committee of the Whole, and amended.

IN SENATE.

On motion of Mr. Wheeler, the further consideration of the bill was made the special order for Monday, April twenty-three, at half past ten, A. M.

On motion of Mr. Anderson, Senate Bill, No. 321, An Act in relation to the City and County of San Francisco, was placed at the top of the file.

Mr. Sharp, Chairman of the Committee on Public Expenditures, made the following report:

Mr. President:—Your Committee on Public Expenditures have examined the copying done for the Senate, and find it as follows:

Purpose.	Folios.	Per Folio.	Amount.
For Appendix. For Printer.			\$226 50 151 00
Total	3,020		\$377 50

Examined, audited, and allowed, April twenty-first, one thousand eight hundred and sixty.

SOL. A. SHARP,

Chairman.

Adopted.

On motion of Mr. Dickinson, the Senate adjourned.

C. J. LANSING,

President pro tem. of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

46sen

IN SENATE.

SENATE CHAMBER,

Monday, April 23, 1860.

Senate met pursuant to adjournment.

President pro tem. in the Chair.

Roll called.

Journal of Saturday read and approved.

Mr. Parker, by leave, introduced a bill for an act entitled An Act to audit the Claim of John Herzo.

Read first and second times, and referred to the Committee on Claims.

Mr. Parker, of the San Francisco Delegation, made the following report:

Mr. President:—The delegation from the Fifth Senatorial District, to whom was referred Senate Bill, No. 145, have had the same under consideration, and recommend the passage of the same, with the following amendments:

Strike out the whole of the first clause of section first.

Strike out clause fifth.

Strike out clause sixth.

In clause seventh, last line, strike out "twenty," and insert "fifteen."

Strike out clause tenth.

Strike out clause thirteenth.

Strike out clause eighteenth.

Strike out clause nineteenth.

PARKER,

For the Delegation.

Placed on file.

On motion of Mr. Parker, the rules were suspended, and the bill just reported was taken up and considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Phelps, the rules were further suspended, the bill

considered engrossed, read a third time, and passed.

On motion of Mr. Anderson, the rules were suspended, and Senate Bill, No. 321, An Act in relation to the City and County of San Francisco—was taken from file and considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

Mr. Sharp moved to amend the first section by adding "within eighteen months."

Lost.

On motion of Mr. Anderson, the rules were suspended, the bill consid-

ered engrossed, and read a third time.

On the passage of the bill the ayes and noes were demanded, by Messrs. Parker, Peachy, and Bradley, and taken with the following result: Ayes, 21—noes, 10:

AYES-Messrs. Anderson, Bradley, Ballou, Clark, Chase, Crittenden,

Dent, Denver, Dickinson, Eagon, Franklin, Lansing, Leet, Logan, Merritt, Peachy, Ryan, Titus, Vance, Watkins, and Wheeler—21.

Noes—Messrs. De la Guerra, Haynes, McDonald, O'Farrell, Parker,

Parks, Phelps, Pico, Redman, and Sharp-10.

So the bill passed.

Mr. Peachy gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Mr. Anderson also gave notice that he would, on to-morrow, move for

a reconsideration of the vote just taken.

Mr. Peachy gave notice that on to-morrow he would introduce a bill to provide for the Survey and Improvement of the Harbor of San Francisco.

INTRODUCTION OF BILLS.

Mr. Dickinson, by leave, introduced a bill for an act entitled An Act making an Appropriation for the Improvement of the Overland Mail Route through Tulare County.

Read first and second times, and referred to the Senator from that

district.

Mr. Chase, by leave, introduced a bill for an act entitled An Act supplementary and additional to "An Act to Incorporate the City of Nevada," approved April nineteenth, one thousand eight hundred and fifty-

Read first and second times.

On motion of Mr. Chase, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Chase, the rules were further suspended, the bill considered engrossed, read a third time, and passed.

SPECIAL ORDER.

Senate Bill, No. 307, An Act concerning the Action of Libel-was considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Wheeler, the rules were suspended, the bill consid-

ered engrossed, and read a third time.

On its passage, the ayes and noes were demanded, by Messrs. Wheeler, Anderson, and Dickinson, and taken with the following result: Ayes, 14noes, 10:

Ayes-Messes, Anderson, Chase, Crittenden, Denver, Dickinson, Eagon, Franklin, Lansing, Leet, Logan, Redman, Titus, Watkins, and Wheeler-14.

Nors-Messrs. Bradley, Ballou, Clark, Dent, McDonald, O'Farrell, Parker, Peachy, Phelps, and Sharp-10.

So the bill passed.

Messrs. De la Guerra and Pico declined to vote.

Mr. Haynes paired off with Mr. Vance.

Mr. Kirkpatrick paired off with Mr. Edgerton.

REPORT.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. President:—The Committee on Engrossed Bills have examined Senate Bill, No. 320, An Act making appropriations for the Support of the Civil Government of this State, for the Twelfth Fiscal Year, commencing on the first day of July, A. b. one thousand eight hundred and sixty, and ending on the thirtieth day of June, A. b. one thousand eight hundred and sixty-one, inclusive, and find the same correctly engrossed. GEO. W. DENT.

Chairman.

Report accepted.

On motion of Mr. Logan, the rules were suspended, and Assembly Bill, No. 482, An Act for the Payment of certain Claims and Deficiencies—was taken up and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

On motion of Mr. Phelps, the rules were suspended, and Assembly Bill, No. 72, An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty—was taken up, and considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, bill read a third time and passed. Mr. Bradley offered the following resolution:

Resolved, That Horace Kilham, be allowed to withdraw from the Committee on Claims, the bill and accompanying papers for his relief, referred to said committee.

Adopted.

On motion of Mr. O'Farrell, the rules were suspended, and Assembly Bill, No. 228, An Act fixing the Salary of the Register of the State Land Office, was taken up, and read a third time.

On its passage, the ayes and noes were demanded by Messrs. Dickinson, Leet, and Eagon, and taken with the following result: Ayes, 14—noes, 11:

Aves—Messes. Clark, Chase, Crittenden, Franklin, Kirkpatrick, Lansing, O'Farrell, Peachy, Redman, Ryan, Sharp, Titus, Vance, and Watkins—14.

Noes-Messrs, Anderson, Bradley, Denver, Dickinson, Eagon, Haynes, Leet, Logan, Merritt, Parker, and Wheeler-11.

So the bill passed.

On motion of Mr. Wheeler, the rules were suspended, and Senate Bill, No. 297, An Act to provide for the Examination and Payment of certain Claims against the City of San Francisco, and against the City and County of San Francisco, was taken up and considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Wheeler, the rules were further suspended, the bill considered engrossed, read a third time and passed.

On motion of Mr. Dickinson, the Senate took a recess for five minutes The Senate re-assembled at the appointed hour.

Roll called.

Quorum present.

The Clerk of the Assembly made a verbal announcement, that the House was now ready to meet the Senate in Joint Convention, for the purpose of electing two Trustees for the State Insane Asylum, to fill vacancies, and three Commissioners for the State Reform School.

IN JOINT CONVENTION.

Convention called to order by the President pro tem. of the Senate.

Senate Roll called.

Quorum present.

Assembly Roll called. Quorum present.

Concurrent Resolutions adopted by the Senate and Assembly, read, and the President announced nominations for Trustees at the Insane Asylum at Stockton, to fill vacancies, to be in order.

Mr. Dent of the Senate, Nominated B. W. Bours, and A. C. Baine. On motion of Mr. Wheeler, the Secretary of the Senate, and Clerk of

the Assembly, were authorized to act as Tellers.

Nominations being closed, the roll of the convention was called, with the following result:

Names.	Baine.	Bours.
Anderson	1	1
Bradley	1	1
Clark	1	1
Chase	1	1
Crittenden	1	î
De la Guerra	1	ī
Dent	1	1
Denver	1	1
Dickinson	1	1
Eagon	1	1
Edgerton	1	1
Franklin	1	1
Haynes	1	1
Kirkpatrick	1	1
Lansing	1	1
Lcet	1	1
Logan	1	1
McDonald	1	1
Merritt	1	1
O'Farrell	1	1
Parks	1	1
Peachy	1	1
Phelps	1	1
Pico	1	1
Ryan	1	1
Titus	1	1
Vance	1	1
Wheeler	1	1

Names.	Baine.	Bours.
Babcock	1	1
Bailey of Tuolumne	1	1
Bowman	1	1
Campbell	1	1
Covarrubias	1	1
Daggett	1	1
Dunlap	1	1
Ellis	1	1
Callagher	1	î
Haliday	î	î
Halsted	1	7
Hammond	1	1
	1	1
Harville	1	1
Hayes	1	1
Henry	1	1
Heston	1	1
Howe	1	I
Hugg	1	1
Hundley	1	1
Jenkins	1	1
Johnson of Sierra	1	1
Kungle	1	1
Lamar	1	1
Laspeyre	1	î
Lawrence	î	î
Lovell	î	1
Makins	1	1
Malarin	1	1
	1	. 1
McDermit	1	1 7
O'Connor	1	1
O'Rear	1	1
Pate	1	1
Rodgers of San Francisco	1	1
Rogers of Tuolumne	1	1
Sawyer	1	1
Schmidt	1	1
Shannon	1	1
Shattuck	1	1
Smith of Nevada	1	1
Starr	1	1
Stevenson	1	1
Swan	1	1
Theller	1	1
Walden	î	1
Warner	î	i
	1	1
Watson	1	1
Welty	1	1
Wescott	_	1
White	1	1
Wilson	1	1
m	-,	-,
Totals	79	78

Mr. Parker declined to vote.

Mr. Redman voted for Messrs. Sharp and Williams Mr. Sharp voted for Messrs. Redman and Williams.

Mr. Watkins voted for Messrs. Sharp and Williams. Mr. Burson voted for Messrs. Parker and Phelps.

Mr. Conness voted for Messrs. Sharp and Redman.

Messrs. Goodman, Groom, and Gwinn, voted for Messrs. Laspeyre and Campbell.

Mr. Johnson of Amador voted for Messrs. Gwinn and Goodman.

Mr. King voted for Messrs. Conness and Johnson of Sierra.

Mr. Maxson voted for Messrs. Parker and Tilton. Mr. Patten voted for Messrs. Laspeyre and Gwinn. Mr. Phelps voted for Messrs. Conness and Clark.

Mr. Smith of Sutter voted for Messrs. Stevenson and Lansing. Mr. Stone voted for Messrs. Moses Haynes and Johnson of Alturas.

Mr. Tilton voted for Messrs. Downey and Phelps. Mr. Williams voted for Messrs. Sharp and Redman.

Mr. Yancey voted for Alturas Johnson and Mose Haynes.

B. W. Bours	
A. C. Baine	
J. M. Williams	
Sharp	
Redman	
Parker	
Phelps	
Laspeyre	
Gwinn	
Stevenson	
Lansing	
Downey	
('onness	
Johnson	
Moses Haynes	

Whole number of votes cast, ninety-six.

Necessary to a choice, forty-nine.

B. W. Bours and A. C. Baine, having received a majority of all votes cast, were declared by the President, duly elected Trustees of the State Insane Asylum.

The President pro tem. announced nominations for the Trustees of the

State Reform School at Marysville, to be in order.

Mr. Parks, of the Senate, nominated Nelson Wescott, John A. Paxton, and John Lowry.

Mr. Merritt of the Senate, nominated J. C. Pelton.

Mr. Daggett, of the Assembly, nominated H. S. Foushee.

Mr. Ellis, of the Assembly, nominated J. M. Frey.

Mr. Smith of Sutter, of the Assembly, nominated James Richards.

Nominations being closed, the roll of the convention was called, with the following result:

Service Annual Control of the Contro		_	_	_			
Natives.	Wescott	Payton	Lowry	Pelton	Foushee	Frey	Richards
Ander-on Bradley	1 1		1		1		1 1
Ballou Clark Chase	1 1	1	1 1	1		1	
Crittenden De la Guerra Dent.	1 1 1 1	 1	1 1 1	1	1		
Denver Dickinson Eagon	1 1	1 1	1 1 1				1
EdgertonFranklin		1 1	1 1	1			
Haynes Kirkpatrick Lausing	1	1 1 1	1	1	1		
Leet	1 1	1	1	1 1	1		1
MerrittO'Farrell		1	1 1 1	1 1 1			1
Parks	1	1 1 1	1 1 1	1			
Pico	1	1	1	1 1			
Ryan	1	1]	1	1		1
Vance Watkins Wheeler	 1	1 1 1	1 1 1	1			1
Babcock Bailey of Tuolumne Beach	1 1 1		1	1	 1		1
Bowman	1 1 1	1		1	1		1
Conn	1	1 1		1	1		
Coombs	1	1	1	1	1	1	1
Dunlap	1		1				1

					1		
	1 -1	н	H H	10	1	₩	늆
	1°e	ax	10,	<u> </u>	90	Frey	i e
	Wescott	Paxton	i.t.wo_T	on	Foushee	,	Richards
Names.	ä	1 :	:	Pelton	ee		d's
	:	;	:	:	:	: 1	:
	:			:			
Ellis	1		1			1	
Fairehild	1			1		1	
Gallagher		1	1		1		
Goodman	1				Î		1
Gwinn	î		1		1		
	1	1	1		1		
Haliday		1					
Halsted	1		1	1			
Hammond		1	1	1			
Harville	1	1		1			_
Hayes	1		1				1
Henry	1	1					1
Heston	1				1		
Howe		1	1	1			
Hugg	1	1	1				
Hundley		1	1		1		
Jenkins	1		1	1			
Johnson of Amador		1		,		1	
Johnson of Sierra	1			1			1
King	1			î	1		_
Kungle	1	1	1		^		
Lamar	î	1	-		1		1
Lambert	1	1	1	1			7
	1	1	1	_		1	
Laspeyre	1					1	
Lawrence	1		1				
Lewis	1	1	1				4
Lovell	1		1				1
Makins		1		1			1
Malarin	1			1.	1		
Maxon	1		1	1			
McDermit	1		1		1		
O'Connor	1		1	1			
O'Rear	1	1	1				
Pate		1	1	1			
Patten	1		1		1		
Phelps		1		1	1		
Rogers of San Francisco	1		1	1			
Rodgers of Tuolumne	1		1	î			
Sawyer	î		î i	î			
Schmidt	î		î	î			
Shannon		1	1				1
Shattuck	1		1	1			1
Smith of Nevada	î		1	1		1	
	}	7	1			- 1	7
Smith of Sutter		1					1
Starr	1		1	4	1		
Stevenson	1		1	1			-
Stone	1	*****	1		• • • • • • •		1
Swan	1	1		1			
Tholler	1		1	1			

Names.	Wescott	Payton	Lowry	Pelton	Foushee	Frey	Richards
Walden Warner Watson Welty. Wescott Whrte. Wilkins Williams Wilson	1 1 1 1 1 1 1	1 1 1 1 1 1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1	1		1
Yager Yaneey	1 1 77	51	73	47	1 1 26	7	23

Names.	Vote
Nelson Wescott John A. Paxton John Lowry J. C. Pelton H. S. Foushee J. M. Frey James Richards	77 51 73 47 26 7 23
Total	105

Whole number of votes cast, one hundred and five.

Necessary to a choice, fifty-three. Nelson Wescott and John Lowry, having received a majority of all the votes cast, were declared by the President pro tem. duly elected Trustees of the State Reform School.

The Convention then proceeded to the election of one more Trustee, with the following result:

Mr. Frey's name was withdrawn.

Mr. Richards' name was also withdrawn.

m. W	Names.	Foushee.	Pelton.	Paxton.
Ballou		 		1
			1	

	1	1	
Names.	Foushee.	Pelton.	Paxton.
Crittenden	1		
De la Guerra		1	
Dent	1		
Denver			1
Dickinson			1
Eagon	1		1
	_		1
Edgerton			1
Franklin	1		1
Haynes		1	
Kirkpatrick		1	
Lansing		1	
Leet			1
Logan			1
McDonald	1		
Merritt		1	
O'Farrell		1	
Parker		1	
Parks			1
Peachy		1	
Phelps		1	
Pico		1	
Redman		1	
Ryan			1
Sharp		1	
Titus	1		
Vance			1
Watkins			î
Wheeler			î
Babeock		1	
Bailey of Tuolumne		î	
Beach	1	1	
Bowman	î		
	1		
Campbell		1	
Conness		L	- 1
Coombs	1		1
Covarrubias	1		
Daggett	1		
Dunlap	1		
Ellis	1		
Fairchild		1	
Gallagher	1		
Goodman	1		
Haliday			1
Halsted		1	
Hammond		1	
Harville		1	
Hayes	1		
Henry			1
Heston	1		
Howe			
Hugg			1
Hundley			1

Names.	Foushee.	Pelton.	Paxton.
Jenkins		1	
Johnson of Amador			1
Johnson of Sierra		1	
King	1		
Kungle			1
Lamar	1		
Lambert			1
Laspeyre	.]		
Lewis	1		
Lovell	1		
Makins		1	
Malarin	1	 	
Maxon		1	
McDermit			
O'Connor		1	
O'Rear			1
Pate	1	1	-
Patten			
Phelps		1	
Rogers of San Francisco		i	
Rodgers of Tuolumne		1	
Sawyer		1	
Schmidt		1	
Shannon	1		1
Shattuck		1	1
Smith of Nevada			
Smith of Nevada			1
Starr	1		1
		1	
Stevenson	1	-1	
Stone	1		
Swan	1	1	
Theller		1	
Walden		1	
Warner		1	1
Watson			1
Welty			1
Wescott			1
White	1	1	
Wilkins		1	4
Williams			1
Wilson	1		4
Yager			1
Yancey	1		
m	12/1	1)-1	
Totals	36	33	27

Names.	Vote.
H. S. Foushee J. C. Pelton. John A. Paxton	38
Total	

Whole number of votes cast, one hundred and one.

Necessary to a choice, fifty-one.

Neither candidate having received a sufficient number of votes cast to elect, the convention proceeded to another ballot, with the following reresult:

Mr. Paxton's name was withdrawn.

Names.	Foushee.	Pelton.
Anderson	1	1
Ballou	1	1
Chase	1	1
Crittenden	1	1
Dent Denver	1	
DickinsonEagon	1 1	
Edgerton	1	1
Haynes Kirkpatrick	1	1
Lansing Leet		1 1
Logan	1	
Merritt O'Farrell		1
Parker	1	1
Peachy		1
Pieo	1	1
Ryan		1 1
Titus Vance	1	1
Watkins		1 1
Babcock Bailey of Tuolumne		1 1

Shattuck 1 Smith of Nevada 1 Starr 1	Names.	Foushee.	Pelton.
Bownian	Beach	1	
Burson		1	
Campbell 1 Commess 1 Coombs 1 Covarrabias 1 Darggett 1 Duniap 1 Ellis 1 Fairchild 1 Gallagher 1 Goodman 1 Gwinn 1 Haliday 1 Haliday 1 Haliday 1 Haliday 1 Harrille 1 Harrille 1 Harrille 1 Harrille 1 Hayes 1 Henry 1 Heston 1 Howe 1 Hugg 1 King 1 Kungle 1			1
Combs 1 Coombs 1 Covarrubias 1 Daggett 1 Duniap 1 Ellis 1 Ellis 1 Fairchild 1 Gadlagher 1 Goodman 1 I Gwinn 1 Halisted 1 Haisted 1 Harville 1 Harville 1 Haves 1 Howe 1 Howe 1 Hugg 1 Hungle 1 Johnson of Amador 1 Johnson of Sierra 1 King 1 Lowlins 1 Lambert 1 Lambert 1 Lawis 1 Lewis 1 Lewis 1 Lovell 1 Makins 1 Makins 1 Makins </td <td></td> <td>1</td> <td>1</td>		1	1
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Dangett 1 Duniap 1 Ellis 1 Ellis 1 Ellis 1 Ellis 1 Ellis 1 Ellis 1 Ellis 1 Ellis 1 Ellis 1 Ellis 1 Ellis 1 Ellis 1 Ellis Ellis 1 Ellis Ellis			1
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Ellis		1	
Fairchild	officers A	î	
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Goodman 1 Gwinn 1 Halidadw 1 Halidaw 1 Halled 1 Hammond 1 Harville 1 Hayes 1 Henry 1 Heston 1 Howe 1 Hugg 1 Hundey 1 Jehinson 1 Johnson of Amador 1 Johnson of Sierra 1 King 1 Kungle 1 Lamar 1 Lambert 1 Lambert 1 Lewis 1 Lovell 1 Makins 1 Makins 1 Mappermit 1 O'Connor 1 O'Rear 1 Pate 1 Paten 1 Rogers of San Francisco 1 Rodgers of Tuolumne 1 <t< td=""><td></td><td>1</td><td>r</td></t<>		1	r
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Halsted		1	
Halsted			
Harwille			1
Harville			1
Hayes	· ·		1
Henry	a.	1	1
Heston		1	
Howe	~~ '	1	
Hundley		1	1
Hundley			1
Johnson of Amador.	The state of the s		1
Johnson of Amador 1 Johnson of Sierra 1 King 1 Kungle 1 Lamar 1 Lambert 1 Lewis 1 Lovell 1 Makins 1 Malarin 1 Marson 1 Masson 1 Malarin 1 Masson 1 Masson 1 Masson 1 O'Connor 1 O'Rear 1 Patten 1 Patten 1 Phelps 1 Rogers of San Francisco 1 Rodgers of Tuolumne 1 Schmidt 1 Shattuck 1 Smith of Nevada 1 </td <td></td> <td>1</td> <td>,</td>		1	,
Johnson of Sierra			1
King 1 Kungle 1 Lamar 1 Lambert 1 Laspeyre 1 Lewis 1 Lovell 1 Makins 1 Malarin 1 Medernit 1 O'Connor 1 O'Rear 1 Pate 1 Patten 1 Phelps 1 Rogers of San Francisco 1 Rodgers of Tuolumne 1 Sawyer 1 Schmidt 1 Shannon 1 Shattuck 1 Smith of Nevada 1 Starr 1		1	
Kungle 1 Lamar 1 Lambert 1 Laspeyre 1 Lewis 1 Lovell 1 Makins 1 Malarin 1 Marson 1 Medermit 1 O'Connor 1 O'Rear 1 Pate 1 Patten 1 Phelps 1 Rogers of San Francisco 1 Rodgers of Tuolumne 1 Sawyer 1 Schmidt 1 Shannon 1 Shantuck 1 Smith of Nevada 1 Starr 1		1 1	
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Lovell 1 Makins 1 Malarin 1 Maxson 1 MeDermit 1 O'Connor 1 O'Rear 1 Pate 1 Patten 1 Phelps 1 Rogers of San Francisco 1 Rodgers of Tuolumne 1 Sawyer 1 Schmidt 1 Shannon 1 Shattuck 1 Smith of Nevada 1 Starr 1		1	
Makins 1 Malarin 1 Maxson 1 MeDermit 1 O'Connor 1 O'Rear 1 Pate 1 Patten 1 Phelps 1 Rogers of San Francisco 1 Rodgers of Tuolumne 1 Sawyer 1 Schmidt 1 Shannon 1 Shattuck 1 Smith of Nevada 1 Starr 1		1	
Malarin 1 Maxson 1 Me Dermit 1 O'Connor 1 O'Rear 1 Pate 1 Patten 1 Phelps 1 Rogers of San Francisco 1 Rodgers of Tuolumne 1 Sawyer 1 Schmidt 1 Shannon 1 Shattuck 1 Smith of Nevada 1 Starr 1		1	4
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O'Connor. 1 O'Rear. 1 Pate 1 Patten 1 Phelps 1 Rogers of San Francisco 1 Rodgers of Tuolumne 1 Sawyer. 1 Schmidt 1 Shannon 1 Shattuck 1 Smith of Nevada 1 Starr 1			1
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Rodgers of Tuolumne 1 Sawyer 1 Schmidt 1 Shannon 1 Shattuck 1 Smith of Nevada 1 Starr 1			l
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Shannon 1 Shattuck 1 Smith of Nevada 1 Starr 1	Sawyer		1
Shattuck 1 Smith of Nevada 1 Starr 1			1
Smith of Nevada	Shannon	1	
Starr 1	Shattuck		1
	Smith of Nevada	1	
Storongon	Starr		-
DUCY CHISULE	Stevenson		1

Names.	Foushee.	Pelton.
tone	1	
wan		
heller		1
Valden		1
Varner		1
Vatson	_	
Velty		4
Vescott		1
White		
Vilkins Villiams		1
Villams Vilson		T
ager	1 . 1	
ancey		
Totals	52	49

Names.	Vote.
H. S. Foushee	52 49
Total	101

Whole number of votes cast, one hundred and one.

Necessary to a choice, fifty-two.

Mr. H. S. Foushee, having received a majority of all the votes cast, was declared by the President pro tem. duly elected Trustee of the State Reform School.

The objects for which the convention convened having been accomplished, the convention adjourned, and the Senate returned to its Chamber.

IN SENATE.

President pro tem. in the Chair.

Roll called.

Quorum present.

Mr. Redman, Chairman of the Senate Committee of Free Conference, made the following report:

Mr. President:—The Committee of Free Conference, appointed by the Senate and Assembly, to consider Senate Bill, No. 310, An Act to authorize the Board of Supervisors of Santa Clara County to subscribe to the Capital Stock of the San Francisco and San José Railroad Company, for the purpose of adjusting the differences between the two Houses, recommend that the Assembly recede from its amendments, and that the bill be amended as follows:

Amend section three by striking out of the second line thereof the words "two-thirds," and insert in lieu thereof, the words "three-fifths."

R. A. REDMAN,

Ch'n Senate Committee.

INTRODUCTION OF BILLS.

Mr. Leet, by leave, introduced a bill for an act entitled An Act to provide for a Convention to Revise and Change the Constitution of the State of California.

Read first and second times, and referred to the Judiciary Committee.
Mr. Logan, by leave, introduced a bill for an act entitled An Act appropriating Money to complete certain Wells on the Colorado Desert.

Read first and second times.

Mr. Sharp moved to suspend the rules, and consider the bill now.

Lost.

The bill was then placed on file.

Mr. Wheeler moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded, by Messrs. Vance, Bradley, and Denver, and taken with the following result: Ayes, 19—noes, 12:

AYES—Messrs, Anderson, Bradley, Chase, Crittenden, Dent, Dickinson, Franklin, Kirkpatrick, Lansing, Leet, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Watkins, and Wheeler—19.

Noes-Messrs. Ballou, Clark, De la Guerra, Denver, Eagon, Haynes,

Logan, Pico, Redman, Ryan, Sharp, and Vance-12.

So the Senate adjourned.

I. N. QUINN, President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

Senate Chamber, Tuesday, April 24, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Journal of yesterday read and approved.

On motion of Mr. Bradley, the papers in the claim of W. A. Cornwall, was re-referred to the Committee on Claims.

INTRODUCTION OF BILLS.

Mr. Logan, by leave, introduced a bill for an act entitled An Act for the Payment of certain Deficiencies.

Read first and second times.

On motion of Mr. Logan, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Logan, the rules were further suspended, the bill considerered engrossed, read a third time and passed, and the bill transmitted

to the Assembly.

Mr. Clark, by leave, introduced a bill for an act entitled An Act to amend an Act entitled "An Act to provide for the Appointment of a Reporter of the Supreme Court, and to define his Duties and Compensation," passed April nineteenth, one thousand eight hundred and fifty-six.

Read first and second times, and referred to the Judiciary Committee. Mr. Chase, by leave, introduced a bill for an act entitled An Act for the Relief of G. W. Whitman.

Read first and second times, and referred to the Committee on Claims. Mr. O'Farrell, by leave, introduced a bill for an act entitled An Act relative to the Board of Supervisors of Sonoma County.

Read first and second times.

On motion of Mr. O'Farrell, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. O'Farrell, the rules were further suspended, the bill considered engressed, read a third time and passed, and the bill transmitted to the Assembly.

Mr. Ballou, by leave, introduced a bill for an act entitled An Act to authorize the Sale of a portion of the Real Estate of the late James Wil-

liams, deceased.

Read first and second times.

On motion of Mr. Ballou, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Ballou, the rules were further suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted to the Assembly.

REPORTS.

Mr. Lansing, Chairman of the Committee on Contingent Expenses, made the following report:

Mr. President:-Your Committee on Contingent Expenses, to whom were referred certain accounts herein set forth, have examined the same, and recommend the payment thereof, out of the Contingent Fund of the Senate.

Purpose.	Amount.
George I. Lytle, for newspapers	\$ 19 75 52 15
Total	\$ 71 90

C. J. LANSING.

Chairman.

Adopted.

Mr. Watkins, Chairman of the Committee on Claims, made the following report:

Mr. President:—The Committee on Claims have examined Senate Bill, No. 323, An Act to audit the Claim of John Herzo—and report the same back with a substitute, and recommend the passage of the substitute;

Also, Senate Bill, No. 209, An Act to provide for the Payment of Copying Journals of the Senate for the year one thousand eight hundred and fifty-five, and recommend its passage.

WATKINS,

Chairman.

Mr. Merritt, of the Sixth Senatorial District, made the following report:

Mr. President:—The undersigned de'egation from the Sixth Senatorial District, to whom was referred Senate Bill, No. 325, An Act making an Appropriation for the Improvement of the Overland Mail Route through Tulare County, having had the same under consideration, begs leave to report the same back, and recommend its passage without amendment.

Respectfully submitted,

MERRITT,

Senator Sixth District.

Placed on file.

Mr. Anderson made a verbal report, recommending the passage of Assembly Bill, No. 472, An Act concerning Roads and Highways in the County of Placer, with amendments.

On motion of Mr. Anderson, the rules were suspended, the bill consid-

ered in Committee of the Whole, and amended.

IN SENATE.

Amendment concurred in, and bill read a third time and passed.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT:—The Committee on Enrolled Bills, have examined and found correctly enrolled Senate Bill. No. 315. An Act to amend an Act entitled "An Act to Incorporate the City of Santa Barbara," passed April eighteenth, one thousand eight hundred and sixty;

Also, Senate Bill, No. 316, An Act to audit the Claim of Caroline A

Robertson;

Also, Senate Bill, No. 313, An Act amending an Act entitled "An Act to Incorporate the Town of Auburn," approved March thirtieth, one thousand eight hundred and sixty;

Also, Senate Bill, No. 312, An Act to authorize the Town of Auburn to take and subscribe Fifty Thousand Dollars to the Capital Stock of the

Sacramento, Placer, and Nevada, Railroad Company;

Also, Senate Bill, No. 226, An Act to audit and allow the Claim of Charles A. Clark—and on yester-lay at four o'clock, P. M. delivered the same to the Governor.

A. St. C. DENVER,

Chairman.

Accepted.
Mr. Peachy, Chairman of the Committee on Commerce and Navigati n,
made the following report:

Mr. President:—The Committee on Commerce and Navigation, to whom were referred Assembly Bill, No. 439, An Act to declare Green Valley Creek, in the County of Solano, a Navigable Stream—have considered the same, and recommend its passage.

PEACHY, Chairman.

Placed on file.

Mr. Phelps verbally reported on Assembly Bill, No. 464, An Act to authorize the Board of Supervisors of San Mateo County to Levy a Special Tax for Road Purposes, with amendments, recommending its passage as amended.

On motion of Mr. Phelps, the rules were suspended, and the bill con-

sidered in Committee of the Whole and amended.

IN SENATU.

Amendments concurred in, and the bill read a third time and passed. Mr. Clark, of Sacramento Delegation, made the following report:

Mr. President:—The Sacramento Delegation, to whom was referred Substitute for Assembly Bill, No. 117, An Act amendatory of, and supplementary to, an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled "An Act to repeal an Act passed March twenty-sixth, one thousand eight hundred and fifty-seven, entitled "An Act to Incorporate the City of Sacramento, and the several Acts Amendatory and Supplementary thereto, and to Incorporate the City and Country of Sacramento"—have had the same under consideration, and report it back with certain amendments, and when so amended re-commend its passage.

CLARK, McDONALD.

Placed on file.

On motion of Mr. Clark, the rules were suspended, and the bill was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in, and bill read a third time and passed.

Mr. Vance, by leave, introduced a bill for an act entitled An Act amendatory of an Act entitled "An Act to Provide Revenue for the Support of the Government of this State," passed April twenty-ninth, one thousand eight hundred and fifty-seven.

Read first and second times.

On motion of Mr. Vance, the rules were suspended, the bill considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Vance, the rules were further suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted

to the Assembly.

Mr. Sharp, of the San Erancisco Delegation, made a verbal report, recommending the passage of Senate Bill, No. 289, An Act amendatory of "An Act concerning the Offices of Sheriff and County Recorder of the City and County of San Francisco."

On motion of Mr. Sharp, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Sharp, the rules were further suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted to the Assembly.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the

following report:

Mr. PRESIDENT:-The Committee on Engrossed Bills, have examined Senate Bill, No. 307, An Act concerning the Action of Libel;

Also, Senate Bill, No. 321, An Act in relation to the City and County

of San Francisco;

Also, Senate Bill, No. 238, An Act in addition to "An Act for the Relief of Insolvent Debtors, and the Protection of Creditors," passed May fourth, one thousand eight hundred and fifty-two, and to amend the same, and find the same correctly engrossed.

GEO. W. DENT,

Chairman.

Accepted.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT. Sacramento, April 23, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have approved Senate Bill, No. 292, An Act making Apprepriation for Deficiencies, made for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty;

Also, Senate Bill, No. 301, An Act to authorize the Board of Supervisors of the City and County of San Francisco, to Subscribe to the Capital

Stock of the San Francisco and San José Railroad Company;

Also, Senate Bill, No. 271, An Act authorizing the Board of Supervisors of the City and County of Sacramento, to Levy a Special Tax:

Also, Senate Bill, No. 63, An Act to audit the Claim of D. O. Mills &

Co.;

Also, Senate Bill, No. 247, An Act authorizing the Board of Directors of the State Library, to Purchase certain Newspaper Files, and to provide for the Payment of the same;

Also, Senate Bill, No. 200, An Act to provide for the Collection of Do-

linguent Taxes, in the County of Colusa;

Also, Senate Bill. No. 291, An Act to create the Office of State Geologist, and to define the Duties thereof;

Also, Senate Bill, No. 291, An Act to authorize the Secretary of State,

to Sell certain Refuse Stationery, belonging to the State;
Also, Senate Bill, No 306, An Act supplementary to, and explanatory of, an Act entitled "An Act to authorize the Collection of State and County Taxes, in the County of Mariposa," approved April sixth, one thousand eight hundred and sixty;

Also, Senate Bill, No. 304, An Act to fix the times of the Meeting of

the Board of Supervisors of Del Norte County;

Also, Senate Concurrent Resolution, No. 74, Requesting the Governor

to transmit to our Members in Congress, the Original Vouchers upon which the War Debt is predicated, together with the Record of the action thereon, by the Board of Examiners of War Claims, whether the said Claims are held by the State of California, or by Citizens thereof.

JOHN G. DOWNEY,

Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, April 24, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have approved Senate Bill, No. 315, An Act to amend an Act entitled "An Act to Incorporate the City of Santa Barbara," passed April eighteenth, one thousand eight hundred and sixty;

Also, Senate Bill, No. 316, An Act to audit the Claim of Caroline W.

Robertson;

Also, Senate Bill, No. 226, An Act to audit and allow the Claim of

Charles A. Clark;

Also, Senate Bill, No. 312, An Act to authorize the Town of Aubarn, to take and Subscribe Fifty Thousand Dollars, to the Capital Stock of the Sacramento, Placer, and Nevada, Railroad Company, and to provide for the Payment of the same;

Also, Senate Bill, No. 313, An Act amending an Act entitled "An Act to Incorporate the Town of Auburn," approved March thirtieth, one thou-

sand eight hundred and sixty.

JOHN G. DOWNEY,

Governor.

MESSAGE FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,

April 23, 1860.

Mr. President:—The Assembly on the twentieth instant, passed Senate Bill, No. 290, An Act to Appropriate Fifteen Thousand Dollars, for the Construction of a Wagon Road, through the County of Santa Barbara;

Also, on the twenty-first instant, passed Senate Bill, No. 175, An Act to provide for the Disposal of Lots, in the Towns and Villages on the

Public Lands, in Mendocino County.

R. K. WESTON,

Assistant Clerk of Assembly.

Assembly Chamber, April 23, 1860.

Mr. PRESIDENT:—The Assembly this day passed Senate Bill, No. 226, An Act to audit and allow the Claim of Charles A. Clark.

Respectfully,

J. M. ANDERSON,

Clerk of Assembly.

Assembly Chamber,
April 21, 1860.

Mr. President:—The Assembly, on the fourteenth instant, passed Assembly Bill, No. 474, An Act to authorize the Commissioners of the

Funded Debt of the County of Contra Costa to reissue certain Coupons

of the Bonds of said County to Jesse M. Bolles;

Also, on the eighteenth instant, passed Assembly Bill, No. 382. An Act to amend an Act amendatory of an Act entitled "An Act to amend an Act entitled 'An Act to Restrict the Herding of Sheep to certain Pastures in the Counties of Sonoma and Marin." approved April eighteenth, one thousand eight hundred and fifty-eight, approved March sixteenth, one thousand eight hundred and fifty-nine;

Also, Assembly Bill, No. 483, An Act making an appropriation for Deficiency in the appropriation made for Printing, Paper, and Official Ad-

vertisements, for the Eleventh Fiscal Year;

Also, on the nineteenth instant, passed Assembly Bill, No. 343, An Act

to Define the Boundaries of the County of Amador;

Also, Assembly Bill. No. 406, An Act to amond "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and sixty;

Also, Substitute for Assembly Bills, Nos. 270, 348, and 314, An Act to

Change the Name of Persons herein named.

R. K. WESTON.

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 474, An Act to authorize the Commissioners of the Funded Debt of the County of Contra Costa to reissue certain Coupons of the Bonds of said County to Jesse M. Bolles—was read first and second times.

On motion of Mr. Dent, the rules were suspended, the bill considered

engrossed, read a third time, and passed.

Assembly Bill, No. 382, An Act to amend an Act amendatory of an Act entitled "An Act to amend an Act entitled "An Act to Restrict the Herding of Sheep to certain Pastures in the Counties of Smoma and Marin," approved April eighteenth, one thousand eight hundred and fifty-eight, approved March sixteenth, one thousand eight hundred and fifty-nine—was read first and second times.

On motion of Mr. O'Farrell, the rules were suspended, and the bill con-

sidered in Committee of the Whole ..

IN SENATE.

Bill read a third tine and passed.

Assembly Bill, No. 485, An Act making an Appropriation for Deficiency in the Appropriation made for Printing, Paper, and Official Advertisements, for the Eleventh Fiscal Year—was read first and second times, and referred to the Committee on Finance.

Assembly Bill, No. 343, An Act to Define the Boundary Lines of the County of Amador—was read first and second times, and referred to the

delegations from Amador, Calaveras, and El Dorado, counties.

Assembly Bill, No. 406, An Act to amend "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and sixty—was read first and second times, and referred to the Committee on Roads and Highways.

Substitute for Assembly Bills, Nos. 370, 348, and 314, An Act to Change the Name of Persons therein named—was read first and second times,

and referred to the Committee on Public Morals.

FURTHER MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, April 21, 1860.

Mr. President:—The Assembly, on yesterday, passed Senate Bill, No. 2.9, An Act Appropriating Moneys for the Benefit of certain Orphan Asylums in this State;

Also, Senate Bill, No. 317, An Act supplementary to an Act entitled "An Act to Fund the Debt of the County of Mariposa and provide for the Payment of the same," passed May fifteenth, one thousand eight hun-

dred and fifty-four;

Also, concurred in Senate amendments to Assembly Bill, No 459, An Act to Define the Duties of Officers and Employes of the Assembly, establish their Pay, and repeal all existing Laws in relation thereto;

Also, substitute for Assembly Bill, No. 97, An Act amendatory of, and supplementary to, "An Act approved April twenty-ninth, one thousand eight hundred and fifty-seven, to provide Revenue for the Support of the Government of this State from a Tax to be Levied and Collected from Foreign and Inland Bills and other matter;"
Also, Assembly Concurrent Resolution, No. 77, rescinding Assembly

Resolution, No. 67, Relative to Adjournment sine die.

R. K. WESTON,

Assistant Clerk of Assembly.

ASSEMBLY CHAMBER, April 21, 1860.

Mr. President:—The Assembly have this day passed Assembly Bill, No. 466, An Act to provide for the Construction of a McAdamized Road within the Limits of the City and County of San Francisco.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 466, An Act to provide for the Construction of a McAdamized Road within the Limits of the City and County of San Francisco—was read first and second times, and referred to the San Francisco Delegation.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

April 23, 1860. Mr. President:—The Assembly have to-day passed Assembly Bill, No. 488, An Act to provide for the Purchase of a Burial Place for the use of this State and for other purposes therein specified.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 488, An Act to provide for the Purchase of a Burial Place for the use of this State and for other purposes therein specifiedwas read first and second times.

On motion of Mr. Logan, the rules were suspended, and the bill was considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, bill read a third time, and passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 24, 1860.

Mr. PRESIDENT:—The Assembly on yesterday, passed Assembly Bill, No. 489, An Act to Regulate Fees in Criminal Cases, in the County of Yolo:

Also, Assembly Bill, No. 462, An Act recommending to the Electors of the State, to vote for or against, calling a Convention, to Revise and Change the Constitution of the State:

Also, Senate Bill, No. 195, An Act to provide for the Report and De-

cisions of the Supreme Court;

Also, Senate Bill, No. 322, An Act declaring Novato Creek or Estuary,

Navigable;

Also, receded from its amendment to Senate Bill, No. 310, An Act to authorize the Board of Supervisors of Santa Chara County, to Subscribe to the Capital Stock, of the San Francisco and San Jose Railroad Company;

Also, concurred in Senate amendments to Assembly Bill, No. 300, An

Act to Reincorporate the City of Los Angeles.

R. K. WESTON,

Ass't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 489, An Act to Regulate Fees in Criminal Cases, in the County of Yolo-read first and second times, and referred to the del-

egation from that county.

Assembly Bill, No. 462, An Act recommending to the Electors of the State to vote for or against, calling a Convention, to Revise and Change the Constitution of the State—was read first and second times, and referred to the Judiciary Committee.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 23, 1860.

Mr. President:—I am directed to inform the Senate, that the Assembly have passed Assembly Bill, No. 413. An Act to provide for the Issuance and Payment of Bonds, for Expenses incurred in the Suppression of Indian Hostilities, in certain Counties in this State.

Respectfully,

J. M. ANDERSON,

Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 413, An Act to provide for the Issuance and Payment of Bonds for Expenses incurred in the Suppression of Indian Hostilities, in certain Counties in this State--was read first and second times.

Mr. Leet, moved to refer it to the Committee on Claims, with instruc-

tions to report on or before, Friday, April twenty-seventh.

Upon which, the ayes and noes were demanded by Messrs. Leet, Vance, and Anderson, and taken with the following result: Ayes, 13—noes, 17:

Ayes—Messrs. Anderson, Ballou, Clark, Chase, Denver, Dickinson, Eagon, Lansing, Leet, Logan, McDonald, Quinn, and Wheeler—13.

Noes-Messis. Bradley, Crittenden, De la Guerra, Franklin, Haynes, Kirkpatrick, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Redman, Ryan, Sharp, Titus, and Vance-17.

So the motion was lost.

On motion of Mr. Ryan, the bill was made the Special Order for to-

morrow, at eleven, A. M.

Mr. De la Guerra, moved to take from the table the Governor's Message, returning without his approval, Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead, in the City and County of San Francisco.

Pending which, Mr. Anderson moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Dent, Edgerton, Titus, and Watkins. The Sergeant-at-Arms was dispatched for absentees.

Messrs. Watkins and Dent, appearing at the bar of the Senate, were admitted.

On motion of Mr. Clark, further proceedings under the call was dispensed with.

The question being on taking the message from the table.

Mr. Phelps moved a call of the Senate.

Carried.

Pending which, Mr. Clark moved to dispense with further proceedings under the call.

Carried.

The question again recurring on taking the message from the table, the ayes and noes were demanded by Messrs. Dickinson, Merritt, and Eagon, and taken with the following result: Ayes, 14—noes, 18:

AYES—Messrs. Crittenden, De la Guerra, Dent, Haynes, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Redman, Ryan, and Sharp—14.

Noes-Messrs. Anderson, Bradley, Ballou, Clark, Chase, Denver, Dickinson, Eagon, Edgerton, Frankliu, Lansing, Leet, Logan, Pico, Quinn, Titus, Vance, and Watkins-18.

So the motion was lost.

Mr. Anderson, moved to reconsider the vote whereby Senate Bill, No. 321, An Act in relation to the City and County of San Francisco, was passed on yesterday.

Lost.

Mr. Kirkpatrick offered the following Joint Resolution:

Resolved, By the Senate and Assembly, that A. J. Moulder, the Superintendent of Public Instruction, have permission to be absent during the present year, from the State of California, on a visit to the Atlantic States, for the period of five months.

Read first and second times.

On motion of Mr. Kirkpatrick, the rules were suspended, and the res-

olution read a third time and passed.

On motion of Mr. Wheeler, the rules were suspended, and Senate Bill, No. 223, An Act for the Relief of the Heirs of Pierre Maurin, deceased, was taken up, and considered in Committee of the Whole.

IT SENATE.

On motion of Mr. Wheeler, the rules were further suspended, the bill

considered engrossed and read a third time

On its passage the ayes and noes were demanded by Messrs. Merritt, Phelps, and Lansing, and taken with the following result: Ayes, 14-noes, 8:

Ayes—Messrs. Anderson, Ballou, Clark, Chase, Lansing, O'Farrell, Peachy, Phelps, Quinn, Redman, Ryan, Sharp, Titus, and Wheeler—14. Noes—Messrs. Bradley, Eagon, Franklin, Haynes, Leet, Logan, McDonald, and Merritt—8.

So the bill passed.

President pro tem. in the Chair.

Mr. McDonald, by leave, introduced a bill for an act entitled An Act to authorize the Board of Supervisors, of the City and County of Sacramento, to Levy a Special Tax.

Read first and second times.

On motion of Mr. Clark, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Clark, the rules were further suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted to the Assembly.

Mr. Kirkpatrick, offered the following resolution:

Resolved, That the Journal and Copying Clerks of the Senate, be, and they are hereby, allowed five cents per folio, extra, for comparing, etc. to be computed according to the Reports of the Committee on Public Expenditures, and payable out of the Contingent Fund of the Senate.

Mr. McDonald, moved to lay the resolution upon the table.

Lost.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. McDonald, Vance, and Eagon, and taken with the following result: Ayes, 15—noes, 8:

Aves-Messrs. Bradley, Ballou, Chase, Crittenden, Eagon, Franklin, Kirkpatrick, Lansing, Merritt, Peachy, Ryan, Sharp, Titus, Vance, and Watkins-15.

Noes-Messrs. Dickinson, Haynes, Leet, Logan, McDonald, O'Farrell, Redman, and Wheeler-8.

So the resolution was adopted.

Mr. Peachy, by leave, introduced a bill for an act entitled An Act to authorize the Beard of Supervisors of the City and County of San Francisco, to Donate and Convey a Site for the Institution, to be erected for the Education and Care of the Indigent Deaf, Dumb, and Blind, in the State of California.

Read first and second times.

On motion of Mr. Peachy, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Peachy, the rules were further suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted to the Assembly.

Mr. Merritt offered the following resolution:

Resolved, That the Controller be, and he is hereby, directed to draw his warrant on the Treasurer, in favor of Thomas M. Davis, Clerk of Sergeant-at-Arms, payable out of the Contingent Fund of the Senate, for one dollar per day, extra, from the commencement, to the end of the Session.

Adopted.

On motion of Mr. Logan, Senate Bill, No. 327, An Act Appropriating Money to Complete certain Wells, on the Colorado Desert, was placed at

the top of the file.

Mr. Logan, by leave, introduced a bill for an act entitled An Act to amend section twelve of "An Act concerning Public Ferries and Toll-Bridges," passed April twenty-eighth, one thousand eight hundred and fifty-five.

Read first and second times, and referred to the Judiciary Committee. On motion of Mr. Bradley, Senate Bill, No. 177, An Act for the Relief of Benjamin F. Marshall, late Sheriff of Calaveras County, was taken from unfinished business, and made the special order for to-morrow, at half-past twelve, P. M.

Mr. Phelps, by leave, introduced a bill for an act entitled An Act to provide for Paying certain Equitable Claims against the State of Califor-

nia, and to contract a Funded Debt for that purpose.

Read first and second times, and referred to the Committee on Finance,

with instructions to report to-morrow.

On motion of Mr. Chase, Senate Bill, No. 183, An Act for the Relief of

Henry P. Hoyt and his Assignee, was placed at the top of the file.

On motion of Mr. Leet, the Governor's message, nominating and appointing Charles M. Hitchcock, Commissioner of the Funded Debt of the City of San Francisco, was taken from unfinished business, and made the special order for Thursday, April twenty sixth, at thirty minutes past ten, A. M.

On motion of Mr. Wheeler, the rules were suspended, and Senate Bill, No. 302, An Act to amend an Act entitled "An Act authorizing the construction of a Telegraph Line from the City of San Francisco to the City of Los Angeles, was taken up, and considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Wheeler, the rules were further suspended, the bill

considered engrossed, and read a third time.

On its passage, the aves and noes were demanded, by Messrs. Peachy, Dickinson, and Leet, and taken with the following result: Ayes, 14-noes, 7:

Aves—Messrs, Chase, Dent, Haynes, Lansing, Leet, Logan, O'Farreil, Phelps, Redman, Ryan, Sharp, Titus, Vance, and Wheeler—14.

Noes-Messrs. Dickinson, Franklin, McDonald, Merritt, Parker, Peachy, and Quinn-7.

So the bill passed.

Mr. Haynes, by leave, introduced a bill for an act entitled An Act supplementary to an Act entitled "An Act to authorize the Location of the Town Site of Crescent City," approved February twelfth, one thousand eight hundred and fifty-nine.

Read first and second times.

On motion of Mr. Haynes, the rules were suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted to the Assembly.

GENERAL FILE.

Senate Bill, No. 183, An Act for the Relief of Henry P. Hoyt and his Assignee—was considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Phelps, the rules were suspended, the bill considered

engrossed, and read a third time.

On its passage, the ayes and noes were demanded by Messrs. Chase, Phelps, and Redman, and taken with the following result: Ayes, 6—noes, 19:

AYES—Messrs. Anderson, Bradley, Chase, Franklin, Leet, and Ryan—6. Noes—Messrs. De la Guerra, Dent, Denver, Dickinson, Haynes, Kirkatrick, Lansing, Logan, McDonald, Merritt, O'Farrell, Parker, Peachy, Phelps, Pico, Quinn, Redman, Sharp, and Vance—19.

So the Senate refused to pass the bill.

Senate Bill, No. 199, An Act for the Protection of Fisheries—was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Anderson, the rules were suspended, the bill consid-

ered engrossed, and read a third time.

On its passage, the ayes and noes were demanded, by Messrs. Merritt, Bradley, and Eagon, and taken with the following result: Ayes, 17-noes, 11:

Aves-Messrs. Anderson, Bradley, Ballou, Chase, Crittenden, Dent, Deuver, Eagon, Franklin, Haynes, Lansing, Leet, O'Farrell, Redman, Ryan, Vance, and Wheeler-17.

Noes-Messrs. De la Guerra, Dickinson, Kirkpatrick, Logan, McDonald, Merritt, Parker, Peachy, Phelps, Pico, and Sharp-11.

So the bill passed, and was transmitted to the Assembly.

On motion of Mr. Phelps, the rules were suspended, and Assembly Bill, No. 365, An Act amendatory of "An Act concerning the Offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco," approved March seventh, one thousand eight hundred and fiftynine, was taken up and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

On motion of Mr. De la Guerra, the rules were suspended, and Assembly Bill, No. 181, An Act to audit and allow a Claim of B. F. Hastings, was taken up and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

On motion of Mr. Eagon, the vote was reconsidered whereby the resolution passed allowing the Folio Clerks five cents per folio as extra compensation, and offered the following as a substitute:

Resolved, That Samuel Wittgenstein be, and he is hereby, allowed five cents per folio as extra pay for copying the Journals of the Senate of the Eleventh Session, and that the same be paid out of the Contingent Fund of the Senate; provided, the same does not exceed the sum of five hundred dollars.

Adopted.

On motion of Mr. Logan, the rules were suspended, and Assembly Bill, No. 394, An Act to amend "An Act creating a Board of Commissioners, and the Office of Overseers in each Township in the several Counties of this State to regulate Water-Courses within their respective Limits," passed May fifteenth, one thousand eight hundred and fifty-four, was taken from file, and considered in Committee of the Whole.

IN SENATE.

The bill was indefinitely postponed.

Mr. Kirkpatrick gave notice that he would on to-morrow, move for a

reconsideration of the vote just taken.

Mr. McDonald, by leave, introduced a bill for an act entitled An Act confirming certain Street Assessments in the City of Sacramento, and providing for the Collection of the amounts due for Street Improvements.

Read first and second times, and referred to the Sacramento Delegation, with instructions to report to-morrow.

GENERAL FILE, RESUMED.

Assembly Bill, No. 202, An Act abolishing the Office of County Assessor, and establishing the Office of Township Assessors in the County of Calaveras—was considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Peachy moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs, Peachy, Bradley, and Chase, and taken with the following result: Ayes, 10noes, 16:

Aves-Messrs, Anderson, Chase, Eagon, Franklin, Kirkpatrick, Lansing,

Peachy, Phelps, Quinn, and Wheeler-10.

Noes-Messrs, Bradley, Ballou, Dent. Denver, Havnes, Leet, Logan, McDonald, Merritt, O'Farrell, Parker, Pico, Redman, Ryan, Sharp, and Vance-16.

So the motion was lost.

Mr. Vance, by leave, introduced a bill for an act entitled An Act to repeal an Act entitled "An Act to declare Feather River Navigable," approved April twenty-third, one thousand eight hundred and fifty-eight.

Read first and second times, and placed on the top of the file.

On motion of Mr. Peachy, the Senate adjourned.

I. N. QUINN.

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER. Saturday, April 25, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journal of vesterday read and approved.

REPORTS.

Mr. Watkins, Chairman of the Committee on Claims, made the following report-:

Mr. Prestdent:-The Committee on Claims, to whom was referre! Assembly Bill, No. 485, An Act to authorize and require the State Treasurer to Issue War Bonds for the Relief of J. S. P. Boss & Co., have examine I the same, and report it back, and recommend its passage. WATKINS,

Chairman.

Placed on file.

Mr. De la Guerra, Chairman of the Finance Committee, made the following report:

Mr. President:-The Finance Committee, to whom was referred, with special instructions to report on to-day, Senate Bill, No. 336, An Act to provide for Paying certain Equitable Claims against the State of California, and to contract a Debt for that purpose, have had the same under consideration, and herewith report the same back with an amendment, and recommend its passage as amended.

Amend section seven by striking out in line two, the words "January or July," and insert "February or August."

PABLO DE LA GUERRA, Chairman.

Placed on file.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:-The Judiciary Committee have had under consideration Assembly Bill, No. 462, An Act recommending to the Electors of the State to Vote for or against calling a Convention to Revise and Change the Constitution of the State, and herewith return the same, and recommend the passage thereof.

MERRITT, Chairman.

Placed on file.

On motion of Mr. Merritt, the rules were suspended, and the bill just reported was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time, and on its passage the roll was called, and the ayes and noes taken with the following result: Ayes, 27-noes, 4:

Ayes-Messrs, Anderson, Bradley, Ballou, Clark, Chase, De la Guerra, Dent, Denver, Dickinson, Eagon, Franklin, Haynes, Leet, Logan, Merritt, O'Farrell, Parker, Parks, Phelps, Pico, Quinn, Redman, Ryan, Sharp, Titus, Watkins, and Wheeler-27.

Noes-Messrs. Lansing, McDonald, Peachy, and Vance-4.

So the bill passed.

REPORTS.

Mr. Merritt, Chairman of the Judiciary Committee, made the following report:

Mr. President:-The Judiciary Committee, to whom was referred Senate Bill, No. 16, entitled An Act to provide for the Disposal of the Sixteenth and Thirty-Sixth Sections of Land Donated to the State for School Purposes by Act of Congress, passed March third, one thousand eight hundred and fifty-three, and to appropriate the Proceeds of the Sales thereof to the Credit of the General School Fund, have had the same under consideration, and report the bill back, and recommend that the same be indefinitely postponed;

Also, have had under advisement Assembly Bill, No. 476, entitled An Act to extend the provisions of an Act, approved April seventh, one thousand eight hundred and fifty-seven, entitled "An Act to amend an Act entitled an Act to amend 'An Act to Regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one, approved March twenty-second, one thousand eight hundred and fifty-six, and report the bill back, and recommend that the same be referred to the Los Angeles Senator;

Also, have had under consideration Assembly Bill, No. 234, entitled An Act to authorize Francis Schultz, Chancellor Hartson, and such others as they may see fit to associate with themselves, to Build a Wharf at the

foot of Main Street, in Napa City, in the County of Napa, and report the

bill back, and recommend its passage . Mr. Merritt dissenting;

Also, have had under advisement Assembly Bill, No. 85, entitled An Act to provide for the Disposal of the Sixteenth and Thirty Sixth Sections of Land Donated to this State for School Purposes, by Act of Congress, passed March third, one thousand eight hundred and fifty-three, and to appropriate the Proceeds of the Saies thereof to the Credit of the General School Fund, and report the bill back, and recommend that the same be indefinitely postponed;

Also, have had under consideration Assembly Bill, No. 414, entitled An Act amendatory of, and supplementary to, "An Act to Regulate Proceedings in Civil Cases," passed April twenty ninth, one thou and eight hundred and fifty one, and report the bill back, and recommend that the

same be indefinitely postponed;

Also, have had under advisement Assembly Bill, No. 101, entitled An Act to provide for the better Collection of Foreign Miners' License, and report the bill back, and recommend that it be indefinitely postponed;

Also, have had under consideration Senate Bill, No. 326, entitled An Act to provide for a Convention to Revise and Change the Constitution of the State of California, and report the ball back, and recommend its indefinite postponement.

Respectfully submitted.

MERRITT.

Chairman.

Placed on file. Mr. O'Farrell, Chairman of the Committee on Public Lands, made the following report:

Mr. President: -- Your Committee, to whom was referred Senate Bill, No. 269, An Act for the Relief of Purcha ers of School and Seminary Lands in this State, have had the same under consideration, and recommend its passage as amended in Committee of the Whole, with the fol-

lowing additional amendments:

Amend section one, line thateen, by inserting after the word "Fund," the words "or any of the Swamp or Overflowed Lands having been sold under 'An Act to provide for the Sale and Reclamation of Swamp and Overflowed Lands of this State, approved April twenty first, one thousand eight hundred and fitty eight, or an Act amen istery of an Act entitled An Act to provide for the Sale and Reclamation of Swamp and Overflowed Lands of this State,' approved April twenty first, one thoussand eight hun fred and fifty eight, approved April eighteenth, one thousand eight handred and fifty-nine, which may have become forfested to the State by reason of the nonpayment of the annual interest or principal, when the same had become due."

Amend same section by inserting in line seventeen, after the word

"forfeiture," the words " and before this act becomes a law."

Substitute for section two:

Sec. 2. All acts or parts of acts, conflicting with the provisions of this act, are hereby repealed.

Sec. 3. This act shall take effect three months from and after its passage.

Amend title by inserting after the word "Seminary," the words

"Swamp and Overflowed."

The substitute for Assembly Bill, No. 421, An Act to provide for the resale of Public Lands sold by the State on Credit, and declared forfeited

by reason of the non-paymant of Interest or Principal, your committee have also had under consideration, and recommend its indefinite post-

ponement, for the following reasons:

The amendments just offered by your committee, to Senate Bill, No. 260, An Act for the Relief of Purchasers of School and Seminary Lands in this State, extended its provisions to the relief of purchasers of the swamp and overflowed lands who have forfeited the same from non-payment of the principal and interest, when due thereon, which amendments, if adopted, and the bill becomes a law, will preclude the necessity of passing this bill, (Substitute for Assembly Bill, No. 421,) affording all the benefits to purchasers of public lands sold by this State, to which they are entitled, and in a manner much more efficient and economical.

O'FARRELL,

Chairman.

Placed on file.

Mr. Dent, Chairman of the Committee on Engrossed Bills, made the following report:

Mr. PRESIDENT:—The Committee on Engrossed Bills have examined Senate Bill, No. 223, An Act for the Relief of the Heirs of Pierre Maurin, deceased;

Also, Senate Bill, No. 302, An Act to amend an Act entitled "An Act authorizing the Construction of a Telegraph Line from the City of San Francisco, to the City of Los Aegeles," approved March eighteenth, one

thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 324, An Act supplementary and additional to "An Act to Incorporate the City of Nevada," approved April nineteenth, one thousand eight hundred and fifty-six, and find the same correctly engrossed.

DENT, Chairman.

Mr. Logan made a verbal report, returning Assembly Bill, No. 456, An Act to authorize the County Recorder of Shasta County to Transcribe certain Records and to Legalize the same, with amendments, and recommending its passage when so amended.

The bill was placed on file.

On motion of Mr. Kirkpatrick, the vote was reconsidered by which Assembly Bill, No. 394, An Act to amend "An Act creating a Board of Commissioners, and the Office of Overseers in each Township of the several Counties of this State to Regulate Water-Courses within their respective limits," passed May fifteenth, one thousand eight hundred and fifty-four—was indefinitely postponed on yesterday, and the bill read a third time and passed.

Mr. Dickinson, of the El Dorado Delegation, made the following report:

Mr. President:—The El Dorado Delegation, to whom was referred substitute for Assembly Bill, No. 173, An Act concerning the Offices of Sheriff, County Clerk, County Recorder, County Treasurer, and County Assessor, and fixing their Compensation for the County of El Dorado, have had the same under consideration, and report the bill back with amendments, and recommend the adoption of the amendments, and the passage of the bill as amended.

W. B. DICKINSON,

Placed on file.
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For the Delegation.

On motion of Mr. Titus, the rules were sested led, and the bill just reported, was taken up and considered in Conmittee of the Whole, and amended.

IN SENATE.

Amendments concurred in, and the bill real a third time and passed

SPECIAL ORDER.

Assembly Bill. No. 413, An Act to provide for the Issuance and Payment of Boards for Expenses Incurred in the Superession of Indian H ... tilities in certain Counties in this State-was coas, level in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, and bill read a third time.

On its passage the ayes and noes were dome oil it by Mosses, Anderson, Vance, and Lausing, and taken with the imming result: Ayes, 11noes, 9:

Ares-Messes Bradley, Ballon, Denver, Franklin, Haynes, Latsing, Logan, O'Farrell, Parker, Peachy, Pholps, Ryan, Vance, and Watkins-

Noes-Mosses. Anderson, Chase, Dent. E. a., Leet, Quinn, Redman, Sharp, and Wheeler-9.

So the bill passed.

Mr. Clark declined to vote.

Mr. Lausing gave notice that be would, on tom rr w, move for a re-

consideration of the vote just taken.

On matical of Mr. Bradley, the rules were suspended, and Senate Bill, No 209, An Act to provide for the Payment of Capung Journals of the Senate, for the year one thousand eight humbed and fire-five was taken up, and considered in Committee of the While, and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr Pheips, the rules were further suspended, the bill considered engressed, read a third time and he can the table.

REPORTS.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:-The Committee on Eurolled Bills, have examined and found correctly carolled Senate Bill, No. 205, A., Act to provide for the Report and Decisions of the Supreme Court;

Also, Senate B.ff. No. 322, An Act declaring Novato Creek or Estuary,

Navigable:

Also, Senate Bill, No. 317, An Act supplementary to an Act entitled "An Act to Fund the Debt of the County of Mariposa, and provide for the Payment of the same," passed May fifteenth, on thousand eight hundred and fifty-four;

Also, Senate Bill, No. 219, An Act Appropriating Moneys for the Ben-

efit of certain Orphan Asylums, in this State;

Also, Senate Bill, No. 190, An Act to Appropriate Fifteen Thousand

Dollars, for the Construction of a Wagon Road through the County of

Santa Barbara;

Also, Senate Bill, No. 310, An Act to authorize the Board of Supervisors of Santa Clara County, to Subscribe to the Capital Stock of the San Francisco and San José Railroad Company, and have taken the same to the Governor.

A. St. C. DENVER,

Chairman.

Report accepted.

On motion of Mr. Sharp, Senate Bill, No. 135, An Act amendatory of an Act entitled "An Act to Repeal the several Charters of the City and County of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to Consolidate the Government thereof," approved April nineteenth, one thousand eight hundred and fifty-six, and of an Act amendatory and supplementary thereof, approved April eight-eenth, one thousand eight hundred and fifty-seven, and of an Act amendatory thereof, approved March twenty-eighth, one thousand eight hundred and fifty-nine—was placed on top of the file.

Mr. Peachy, moved to place Senate Bill, No. 283, An Act in addition to an Act for the Relief of Insolvent Debtors, and the Protection of Creditors, passed May fourth, one thousand eight hundred and fifty-two, and

to amend the same-was placed second on file.

Mr. Anderson, moved to amend by making it the Special Order for

Thursday, April twenty-sixth, at thirty minutes past ten, A. M.

Upon which, the ayes and noes were demanded by Messrs. Chase, Clark, and Dickinson, and taken with the following result: Ayes, 16—noes, 14:

AYES—Messrs. Anderson, Bradley, Crittenden, De la Guerra, Eagon, Haynes, Lansing, McDonald, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Sharp, and Wheeler—16.

Noes-Messrs. Ballou, Clark, Chase, Dent, Denver, Dickinson, Frank-

lin, Leet, Logan, Merritt, Redman, Ryan, Titus, and Vance-14.

So the motion was lost.

Mr. Sharp, Chairman of the Committee on Public Expenditures, made the following report:

Purpose.	Folios.	Per Folio.		Amount.	
Journal	780 1,530	10 15		\$117 78 229 153	00 50
Totals	4,620			\$577	50

SOL. A. SHARP, Chairman.

Adopted.

Mr. Wheeler, moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded by Messrs. Leet, Vance, and Logan, and taken with the following result: Ayes, 22—noes, 10:

AYES—Messrs. Anderson, Bradley, Ballou, Chase, Crittenden, De la Guerra, Dent, Denver, Dickinson, Franklin, Kirkpatrick, Lansing, Merritt, O'Farrell, Parker, Peachy, Phelps, Pico, Ryan, Sharp, Titus, and Wheeler—22.

Noes-Messrs. Clark, Eagon, Haynes, Leet, Logan, McDonald, Parks,

Quinn, Redman, and Vance-10.

So the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of Senate.

IN SENATE.

SENATE CHAMBER, Thursday, April 26, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journal of yesterday read and approved.

REPORTS.

Mr. Parks, Chairman of the Committee on Agriculture, made the following report:

Mr. President:—Your Committee on Agriculture have had under consideration Assembly Bill, No. 297, An Act to amend "An Act concerning Hogs Running at Large in certain Counties." and beg leave to report it back without amendment, and recommend its passage.

W. H. PARKS,

Chairman.

Placed on file.

Mr. De la Guerra, Chairman of the Committee on Finance, made the following report:

Mr. President:—The Committee on Finance, to which Assembly Bills, Nos. 461 and 483 were referred, beg leave respectfully to report the same back without amendments, and recommend their passage.

PABLO DE LA GUERRA,

Chairman.

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Placed on file.

Mr. Pico, of the Los Angeles Delegation, made the following report:

Mr. President:—Your committee, to whom was recommended Assembly Bill, No. 441, entitled An Act to authorize John J. Tomlinson, and his Associates, to Build a Wharf at the Port of San Pedro, in L.s Angeles County, beg leave to report the same back with amendments, and recommend its passage as amended.

A. PICO, Of Delegation.

Placed on file.

Mr. Dickinson asked and obtained indefinite leave of absence, for Mr. Titus.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,

April 25, 1860

Mr. President:—The Assembly on yesterday, passed Senate Bill, No. 119, An Act making an Appropriation for the Payment of D. J. Snyder, for Services rendered by him;

Also, concurred in Senate amendments to Assembly Bill, No. 72, An Act supplementary to an Act entitled "An Act concerning Conveyances,"

passed April sixteen," one thousand eight hundred and fifty;

Also, Assembly Bill, No. 464, An Act to authorize the Board of Supervisors of San Mateo County to levy a Special Tax for Road Purposes;

Also, Assembly Bill, No. 472, An Act concerning Roads and Highways

in the County of Placer;

Also, have this day passed, Senate Bill, No. 333, An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax.

R. K. WESTON,

Assistant Clerk of Assembly.

ASSEMBLY CHAMBER,

April 25, 1860. Mr. President:—The Assembly on the twenty-third instant, passed Assembly Bill, No. 355, An Act to provide for the Payment of Troops called out by the Governor of this State to quell Insurrections in the year one thousand eight hundred and fifty-six;

Also, on yesterday, passed Assembly Bill, No. 491, An Act concerning

School District, No. 4, Suisun Township, in the County of Solano;

Also, Senate Bill, No. 220, An Act to amend an Act entitled "An Act to provide for Paying certain equitable Claims against the State of California, and to contract a Funded Debt for that purpose;"

Also, Senate Bill, No. 318, An Act to provide for the Conveyance of the Interest of the Minor Heirs of Wm. E. P. Hartnell, deceased, in and

to certain Real Estate in the County of Sacramento;

Also, Senate Bill, No. 331, An Act to authorize the Sale of a portion of

the Real Estate of the late James Williams, deceased;

Also, passed with amendments, Senate Bill, No. 118, An Act to amend an Act entitled "An Act for the Relief of Insolvent Debtors and Protection of Creditors;

Also, Senate Bill, No. 275, An Act to audit and allow the Claim of Ed-

mund Williamson & Co.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 355, An Act to provide for the Payment of the Troops called out by the Governor of this State to quell Insurrection in the year one thousand eight hundred and fifty-six—was read first and second times, and referred to the Committee on Claims.

Assembly Bill, No. 491, An Act concerning School District, No. 4,

Suisun Township, in the County of Solano-was read first and second

times, and referred to the Senator from that district.

The Senate concurred in Assembly amendments to Senate Bill, No 118, An Act to amend an Act entitled "An Act for the Relief of Insolvent Debtors and Protection of Creditors."

The Senate also concurred in Assembly amendments to Senate Bill, No. 275, An Act to audit and allow the the Claim of Edmund Williamson

& Co.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 24, 1860.

Mr. President:—The Assembly this day passed, with amendments, Senate Bill, No. 142, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Funding and Payment of the Outstanding unfunded Claims against the City and County of San Francisco;

Also, Senate Bill, No. 145, An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Supervisors, and Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned," approved April twenty-third, one thousand eight hundred and fifty-eight, and ask the concurrence of the Senate.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

The Senate concurred in amendments made to Senate Bills, Nos. 142 and 145, in the Assembly.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 25, 1860.

Mr. President:—The Assembly on yesterday passed Senate Bill, No. 43, An Act to provide Revenue for the Support of the Government of this State, with amendments.

R. K. WESTON,

As't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill, No. 43, An Act to provide Revenue for the Support of the Government of this State—was taken up.

On motion of Mr. Kirkpatrick, it was referred to a Special Committee

of three.

The Chair appointed as such committee, Messrs. Kirkpatrick, Ryan, and Leet.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 25, 1860.

Mr. President:—The Assembly this day passed Senate Bill, No. 164, An Act amendatory of an Act entitled "An Act authorizing the Treasurer of State to isue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State," approved April twenty-fifth, one thousand eight hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, one thousand eight hundred and fifty-nine.

R. K. WESTON.

Assistant Clerk of Assembly.

Mr. Clark, by unanimous leave, introduced a bill for an act entitled An Act concerning certain School Property in the City of Sacramento.

Read first and second times.

On motion of Mr. Clark, the rules were suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted to the Assembly.

SPECIAL ORDER.

The Governor's message, nominating and appointing Charles M. Hitchcock, Commissioner of the Funded Debt of the City of San Franciscowas taken up.

On motion of Mr. Leet, the Senate went into Executive Session.

The question being on the confirmation of the appointment, the roll was called, with the following result: Ayes, 22-nocs, 4:

Aves-Messrs, Anderson, Bradley, Chase, De la Guerra, Dent, Denver, Dickinson, Franklin, Kirkpatrick, Leet, Logan, McDonald, Merritt, O'Farrell, Parks, Pico, Quinn, Redman, Ryan, Sharp, Vance, and Watkins-22. Noes-Messrs. Haynes, Parker, Peachy, and Phelps-4.

So the nomination was confirmed.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 24, 1860.

Mr. President:-The Assembly on the twenty-fourth instant, passed Senate Bill, No. 300, An Act to provide for the laying out and construction of certain Public Roads in the County of San Joaquin, and to Compensate the Owners of Land taken for that purpose, with amendments;

Also, on yesterday, passed Senate Bill, No. 225, An Act to provide for

the Compensation of the State Registrar of the State of California; Also, Senate Bill, No. 322, An Act amendatory of "An Act to provide Revenue for the Support of the Government of this State, so far as the

County of Butte is concerned;

Also, Senate Bill, No. 320, An Act making Appropriations for the Support of the Civil Government of this State for the Twelfth Fiscal Year, commencing on the first day of July, A. D. one thousand eight hundred and sixty, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty-one, inclusive, with amendments;

Also, Senate Bill, No. 338, An Act to authorize the Board of Supervisors of the City and County of San Francisco to donate and convey a Site for the Institution to be erected for the Education and Care of the Indigent Deaf, Dumb, and Blind, in the State of California.

R. K. WESTON,

Assistant Clerk of Assembly.

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CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly amendments to Senate Bill, No. 300, An Act to provide for the laying out and construction of certain Public Roads in the County of San Joaquin, and to Compensate the Owners of Land taken for that pur-

pose-were concurred in.

Ser ate Bill. No. 320, An Act making Appropriations for the Support of the Civil Government of this State, for the Twelfth Fiscal Year, commencing on the first day of July, A. D. one thousand eight hundred and sixty, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty-one, inclusive—was taken up.

The question being, "Shall the Senate concur in amendments made by

the Assembly?" the Senate refused to concur.

Mr. Sharp moved the appointment of a Committee of Free Conference.

Carried

The President appointed Messrs. Merritt, Sharp, and Chase, as committee on behalf of the Senate.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 26, 1860.

Mr. President:—The Assembly on yesterday passed Senate Bill, No. 340, An Act supplementary to an Act entitled "An Act to authorize the Location of the Town Site of Crescent City," approved February twelfth, one thousand eight hundred and fifty-nine;

Also, refused to pass Senate Bill. No. 200, An Act appropriating Money

for the Completion of a Wagon Road over the Sierra Nevada;

Also, concurred in Senate amendments to substitute for Assembly Bill,

No. 181, An Act to audit and allow a Claim of B. F. Hastings;

Also, concurred in second, and non-concurred in the other amendments to substitute for Assembly Bill, No. 117. An Act amendatory of, and supplementary to, an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled "An Act to repeal an Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled "An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento;"

Also, appointed Messrs. Goodman, Johnson of Amador, and Campbell, a Committee of Free Conference on part of the House, on substitute for Assembly Bill, No. 23, An Act to prevent the Closing up of Public Highways where the same cross Streams that become Dry or Fordable at any

Season of the Year throughout the State.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 117, An Act amendatory of, and supplementary to,

an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled "An Act to repeal an Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled 'An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento'"—was taken up.

The question being on the Senate receding from their amendments,

was put, and the Senate refused to recede.

Mr. Clark moved the appointment of a Committee of Free Conference.

Carried.

The President appointed Messrs. Clark, Redman, and McDonald, as committee on behalf of the Senate.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 26, 1860.

Mr. President:—The Assembly this day passed Senate Bill, No. 225, An Act to provide for the Compensation of the State Registrar of the State of California.

R. K. WESTON.

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Senate concurred in Assembly amendments to Senate Bill, No. 225, An Act to provide for the Compensation of the State Registrar of the State of California.

Mr. Vance moved to reconsider the vote whereby the Senate passed, on yesterday, Assembly Bill, No. 413, An Act to provide for the Issuance and Payment of Bonds for Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State.

Mr. Ryan moved to indefinitely postpone the motion to reconsider. Upon which the ayes and noes were demanded by Messrs. Redman, Lansing, and Dent, and taken with the following result: Ayes, 18—noes, 11:

Ayes—Messrs. Bradley, Ballou, Crittenden, De la Guerra, Denver, Eagon, Franklin, Haynes, McDonald, Merritt, O'Farrell, Parks, Peachy, Phelps, Pico, Ryan, Sharp, and Vance—18.

Noes-Messrs. Anderson, Clark, Chase, Dent, Dickinson, Kirkpatrick,

Lansing, Leet, Logan, Quinn, and Redman-11.

So the motion to reconsider was indefinitely postponed.

Mr. Anderson moved to suspend the rules, and take up Senate Bill, No. 283, An Act in addition to "An Act for the Relief of Insolvent Debtors," passed May four, one thousand eight hundred and fifty-two, and to amend the same, and consider it now.

Upon which the ayes and noes were demanded by Messrs. Chase, Denver, and Peachy, and taken with the following result: Ayes, 10—noes, 17:

AYES-Messys. Anderson, Bradley, De la Guerra, Kirkpatrick, McDonald, O'Farrell, Parker, Peachy, Phelps, and Sharp-10.

Noes-Messrs. Ballou, Clark, Chase, Dent, Denver, Dickinson, Eagon,

Edgerton, Franklin, Haynes, Lansing, Leet, Logan, Merritt, Parks, Quinn, and Vance-17.

So the motion was lost.

FURTHER MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,

April 26, 1869

Mr. PRESIDENT:-The Assembly passed, on yesterday, Senate Bill, No. 186, An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States.

Respectfully,

J. M. ANDERSON.

Clerk of Assembly.

ASSEMBLY CHAMBER,

April 26, 1860.

Mr. President:—The Assembly have passed Senate Bill, No. 196, An Act to Appropriate Money for the Relief of Destitute Females in San Francisco.

Respectfully,

J. M. ANDERSON,

Clerk of Assembly.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,) Sacramento, April 26, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 295, An Act to provide for the Report and Publication of certain Decisions of the Supreme Court; Also, Senate Bill, No. 322, An Act declaring Novato Creek or Estuary,

Navigable;

Also, Senate Bill, No. 317, An Act supplementary to an Act entitled "An Act to Fund the Debt of the County of Mariposa, and provide for the Payment of the same," passed May fifteen, one thousand eight hundred and fifty-four; Also, Senate Bill, No. 219, An Act Appropriating Moneys for the Bene-

fit of certain Orphan Asylums in this State;

Also, Senate Bill, No. 310, An Act to authorize the Board of Supervisors of the County of Santa Clara to Subscribe to the Capital Stock of the San Francisco and San José Railroad Company.

JOHN G. DOWNEY,

Governor.

REPORTS.

Mr. Sharp, of the San Francisco Delegation, made the following report:

Mr. PRESIDENT:-The undersigned, members of the delegation to whom was referred Senate Bill, No. 286, An Act to grant the Right of Way and to authorize certain Persons therein named, to lay down and maintain a Railroad Track within the limits of the City and County of San Francisco, and to run Cars thereon, have had the same under consideration, and now report the same back, with accompanying papers, and recommend that it be indefinitely postponed.

SOL. A. SHARP, T. G. PHELPS.

Placed on file.

Mr. Peachy, of same delegation, made the following minority report:

Mr. President:—The undersigned, a member of the Special Committee to whom Senate Bill, No. 236, entitled An Act to grant the Right of Way, and to authorize certain Persons therein named to lay down and maintain a Railway Track within the limits of the City and County of San Francisco, and to run Cars thereon, has considered the same, and recommend its passage with the following amendments:

Amend section one, after the words "street to," in the fourteenth line, strike out the word "California," and insert "Market;" and after the words "thence along," in same line, strike out the word "California," and insert the word "Market;" and after the words "street to," in the fifteenth line, strike out the word "Montgomery," and insert the words "Third." After the words "Montgomery Street," in the fifteenth line, strike out all down to the word "provided," in the twentieth line, and insert in lieu thereof, the words "thence along Third Street, to the southern termination thereof."

Amend section three by striking out the word "two," in the eleventh line, and inserting the words "one and a half." Amend further by striking out of the seventeenth line, the words "twenty-four," and inserting the word "eighteen."

Strike out the fourth section.

Strike out the seventh section, and insert in lieu thereof, the following: "The rail tracks laid down by the said Thomas Hayes and his associates, or assigns, and all cars and other property used on said road, as well as all rights, franchises, and privileges, granted by this bill, shall be subject to taxation, like all other private property."

Amend section eight by striking out the word "fifty," in the second

line, and inserting in lieu thereof, the words "twenty-five."

Add to eighth section, the following words: "Provided, further, That in estimating the value of said road, cars, and other property connected therewith, the value of the rights, franchises, and other privileges herein granted, shall not be included."

ARCHIBALD C. PEACHY.

Mr. Sharp, of the San Francisco and San Mateo Delegation, made the the following report:

Mr. President:—The undersigned, members of the San Francisco and San Mateo Delegation, to whom was referred Senate Bill, No. 138, An Act to establish a Marine Court in the City and County of San Francisco, have had the same under consideration, and now report the same back with amendments, and recommend its passage as amended.

SOL. A. SHARP, ARCHD. C. PEACHY.

Placed on file.

Mr. Denver offered the following resolution:

Resolved, That the Enrolling Clerk be, and he is hereby, allowed as many Clerks as are considered necessary by the Enrolling Committee to perform the duties of his office, and that the same be paid eight dollars per day out of the Contingent Fund of the Senate.

Adopted.

Mr. Merritt offered the following resolution:

Resolved, That the Committee on Contingent Expenses be instructed to audit the account of the Sergeant-at-Arms for arrests made under calls of the Senate, payable out of the Contingent Fund of the same, being certified to by the Secretary of the Senate, and the committee are instructed to report on to-morrow.

GENERAL FILE.

Senate Bill, No. 327, An Act appropriating Money to Complete certain Wells on the Colorado Desert-was considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Sharp, the rules were suspended, the bill considered

engrossed, read a third time, and passed.

Senate Bill, No. 336, An Act to provide for Paying certain Equitable Claims against the State of California and to contract a Debt for that purpose—was considered in Committee of the Whole.

On motion of Mr. Merritt, the rules were suspended, and Senate Bill, No. 117, An Act to provide for the Payment of Two Hundred Thousand Dollars of the outstanding Indebtedness of the State—was taken up, and offered as a substitute for the bill under consideration.

IN SENATE

The question being on the adoption of the substitute, the ayes and nocs were demanded, by Messrs. Merritt, Phelps, and Denver.

Pending which-

On motion of Mr. Merritt, the further consideration of the bill was made the special order for to-morrow, at thirty minutes past ten, A. M.

Mr. Edgerton made a verbal report, recommending the passage of the

following bills:

Assembly Bill, No. 278, An Act for the Relief of Joseph Summers, and to authorize the Trustees of Benicia to pay him his Claim against the late City of Benicia;

Also, Assembly Bill, No. 316, An Act concerning the Office of Public

Administrator in Solano County;

Also, Assembly Bill, No. 469, An Act concerning Publications in Yolo

Also, Assembly Bill, No. 315, An Act to extend the provisions of an Act entitled "An Act to Change the time of holding the Courts in Yolo County," approved February twentieth, one thousand eight hundred and fifty-seven;

Also, Assembly Bill, No. 435, An Act authorizing the Board of Super-

visors of Napa County to Levy a Special Tax for certain purposes.

Report accepted, and bills placed on file.

Mr. Wheeler moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded, by Messrs. Leet, Vance, and Denver, and taken with the following result: Ayes, 18-noes, 13:

AYES-Messrs. Anderson, Bradley, Chase, Dent, Dickinson, Eagon, Franklin, Lansing, Merritt, O'Farrell, Parker, Peachy, Phelps, Pico, Quinn, Ryan, Sharp, and Wheeler-18.

Noes-Messrs. Clark, Crittenden, De la Guerra, Denver, Edgerton, Haynes, Kirkpatrick, Leet, Logan, McDonald, Parks, Redman, and

Vance-13.

So the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Friday, April 27, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journal of vesterday read and approved.

REPORTS.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT:-The Committee on Enrolled Bills, have examined and find correctly enrolled Senate Bill, No. 175, An Act to provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Mendocino County;
Also, Senate Bill, No. 186, An Act to facilitate the Establishment of

Telegraphic Communication, between California and the Atlantic States;

Also, Senate Bill, No. 275, An Act to audit and allow the Claim of Ed-

mund Williamson & Co.;
Also, Senate Bill, No. 333, An Act to authorize the Board of Supervisors of the City and County of San Francisco, to levy a Special Tax-

And, on yesterday, at fifteen minutes before two o'clock, P. M. delivered the above bills to the Governor.

A. St. C. DENVER, Chairman.

Accepted. Mr. Merritt, of the Mariposa Delegation, made the following report:

Mr. President:-The undersigned, to whom was referred Assembly Bill, No. 304, An Act to Regulate the Salary of the County Judge of Mariposa County, has had the same under consideration, and begs leave to report the same back, and recommend its passage without amendment. Respectfully submitted.

S. A. MERRITT,

Senator, Sixth District.

Placed on file.

On motion of Mr. Merritt, the rules were suspended, and the bill just reported, was taken up, read a third time and passed.

Mr. Watkins, Chairman of the Committee on Claims, made the follow-

ing report:

Mr. PRESIDENT:-The Committee on Claims, to whom was referred Assembly Bill, No. 355, An Act to provide for the Pay of Troops, called out by the Governor of this State to quell Insurrection, in the year one thousand eight hundred and fifty-six, having examined the same, beg leave to report it back, and recommend its passage.

WATKINS. B. T. BRADLEY, For the Committee.

Mr. McDonald, dissenting. Placed on file.

Mr. Sharp, moved to make the bill just reported, the Special Order for to-morrow, at thirty minutes past ten, A. M.

Lost.

Mr. Kirkpatrick, of Special Committee, made the following report:

Mr. PRESIDENT:-The undersigned, a Special Committee, to whom was referred Senate Bill, No. 43, An Act to provide Revenue for the Support of the Government of this State, have considered the amen linenes made thereto by the Assembly, and now report the same back, recommending that the Senate concur in said amendments.

KIRKPATRICK, LEET, RYAN.

On motion of Mr. Kirkpatrick, the Assembly amendments, as recom-

mended by the committee, were concurred in.

On motion of Mr. Redman, the rules were suspended, and Assembly Bill, No. 326, An Act for the Relief of Peter H. Burnett, was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time, and on its passage the ayes and noes were demanded by Messrs. Redman, Denver, and Clark, and taken with the following result: Ayes, 21-noes, 8:

Ayes-Messrs, Anderson, Bradley, Clark, De la Guerra, Dent, Denver, Eagon, Franklin, Haynes, Kirkpatrick, Lansing, Logan, McDonald, Merritt, O'Farrell, Peachy, Phelps, Pico, Redman, Ryan, and Sharp-21.

Noes-Messrs. Ballou, Chase, Dickinson, Leet, Parks, Quinn, Vance,

and Wheeler-8.

So the bill passed.

SPECIAL ORDER.

Senate Bill, No. 336, An Act to provide for Paying certain equitable Claims, against the State of California, and to contract a Debt for that

purpose, was taken up.

The question being on the adoption of Schate Bill, No. 117, An Act to provide for the Payment of Two Hundred Thousand Dollars, of the outstanding Indebtedness of the State, as a substitute for the bill under consideration.

Upon which, the ayes and noes were demanded by Messrs. Merritt, Lansing, and Denyer, and taken with the following result: Ayes. 11-

noes, 17:

Ayes - Messrs, Anderson, Ballou, Dent, Denver, Dickinson, Eagon,

Franklin, McDonald, Merritt, Parks, and Redman-11.

Noes-Messrs. Bradley, Clark, Chase, De la Guerra, Haynes, Kirkpatrick, Lansing, Leet, O'Farrell, Parker, Peachy, Phelps, Pico, Quinn, Ryan, Sharp, and Wheeler-17.

So the Senate refused to adopt the substitute.

The bill was then considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Phelps, the rules were suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted to the

On motion of Mr. Ryan, the rules were suspended, and Assembly Bill, No. 182, An Act amendatory of an Act entitled "An Act to Define the Boundaries of Mendocino County-was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Parker, of the San Francisco Delegation, made the following report:

Mr. President: -S. II. Parker, of the delegation from the Fifth Senatorial District, to whom was referred Assembly Bill, No. 466, An Act to provide for the Construction of a McAdamized Road within the Limits of the City and County of San Francisco, has had the same under consideration, and recommend the passage of the same, with the following

Strike out section seven, and number section eight number seven.

S. H. PARKER.

Placed on file.

Mr. O'Farrell made a verbal report, recommending the passage of the

following bills:

Assembly Bill, No. 387, An Act to grant the Right to construct a Bridge across Middle Eel River, Mendocino County, at or near the crossing of the Weaverville Trail to certain Parties therein named;
Also, Assembly Bill, No. 462, An Act to grant the Right to construct a

Bridge across South Eel River, Mendocino County, to certain Parties

therein named.

Mr. Clark, of Sacramento Delegation, made the following report:

Mr. President:—The undersigned, one of the Sacramento Delegation, would respectfully report that said delegation have had under consideration Assembly Bill. No. 195, An Act to grant certain Parties the right of laying a Railroad Track along certain Streets within the City of Sacramento, and report it back, with amendments.

The undersigned recommends the passage of the bill, when amended-

Senator McDonald recommends that the bill do not pass.

CLARK.

Placed on file.

Mr. Clark, of the Sacramento Delegation, made the following report:

Mr. President:—The Sacramento Delegation, to whom was referred Senate Bill, No. 284, An Act granting to C. C. Hayden and others the right of laying a Railroad Track in certain Streets in the City of Sacramento, have had the same under consideration, and report it back, with amendments, and when so amended, the undersigned recommends its passage—Senator McDonald recommends that the bill should not pass.

CLARK, For the Delegation.

Placed on file.

On motion of Mr. De la Guerra, the rules were suspended, and Assembly Bill, No. 312, An Act supplemental to an Act entitled "An Act for the Protection of Game," passed May thirteenth, one thousand eight hundred and fifty-four—was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Denver, of the El Dorado Delegation, made the following report:

Mr. President:—The Delegations from El Dorado, Amador, and Calaveras Counties, to whom was referred Assembly Bill, No. 343, An Act to define the Boundary Lines of the County of Amador, report the same back—Messrs, Eagon and Bradley recommending its passage, and Messrs. Dickinson, Titus, Crittenden, and Denver, recommending its indefinite postponement.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 27, 1860.

Mr. President:—The Assembly, on yesterday, concurred in Senate amendments to substitute for Assembly Bill, No. 173, An Act concerning the Offices of Sheriff, County Clerk, County Recorder, County Treasurer, and County Assessor, and fixing their Compensation, for the County of El Dorado;

Also, passed Assembly Bill, No. 486, An Act for the Relief of A. J. F.

Phelan;

Also, Assembly Bill, No. 230, An Act in Relation to the Indians;

Also, Assembly Bill, No. 492, An Act amendatory of an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled "An Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled 'An Act to Incorporate the City of Sacra-

mento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento;"

Also, Senate Bill, No. 223, An Act for the Relief of the Heirs of Pierre

Maurin, deceased;

Also, Senate Bill, No. 302, An Act to amend an Act entitled "An Act authorizing the Construction of a Telegraph Line from the City of San Francisco to the City of Los Angeles," approved March eighteenth, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 324, An Act supplemental and additional to "An Act to Incorporate the City of Nevada," approved April nineteenth, one

thousand eight hundred and fifty-six;

Also, Senate Bill, No. 307, An Act concerning the Action of Libel; Also, Joint Resolution, No. 54, Relative to Leave of Absence to A. J. Moulder, Superintendent of Public Instruction;

Also, Assembly Bill, No. 286, An Act to abate Public Nuisances.

R. K. WESTON,

Ass't Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 486, An Act for the Relief of A. J. F. Phelan-was read first and second times, and referred to the Committee on Claims, with instructions to report to-morrow.

Assembly Bill, No. 230, An Act in relation to the Indians—was read

first and second times.

On motion of Mr. O'Farrell, the bill was referred to a Special Committee of three.

The President appointed as such committee, Messrs. O'Farrell, Haynes,

and Wheeler.
Assembly Bill, No. 492, An Act amendatory of an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled "An Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled 'An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento' "-was read first and second times, and referred to the Sacramento Delegation.

Assembly Bill, No. 286, An Act to abate Public Nuisances—was read first and second times, and referred to the Committee on Public Morals.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

April 27, 1860. Mr. President:—The Assembly have this day passed Senate Bill, No. 311, An Act to Appropriate Money for the Payment of certain Claims;

Also, Assembly Bill, No. 404, An Act granting Appeals from the Board

of Supervisors to the County Court, in Contra Costa County;

Also, have appointed as a Committee of Free Conference on substitute for Assembly Bill, No. 117, An Act amendatory of, and supplementary to, an Act passed April twenty-fourth, one thousand eight hundred and fiftyeight, entitled "An Act to repeal an Act passed March twenty-first, one thousand eight hundred and fifty-one, entitled 'An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary

thereto, and to Incorporate the City and County of Sacramento," Messrs.

Conness, Ellis, and Goodman;

Also, passed substitute for Assembly Bill, No. 340, An Act to enable the County of Placer to subscribe for Stock to the Sacramento, Placer, and Nevada, Railroad, to the Eastern Extension Railroad, and to assist in constructing certain Wagon Roads therein named;

Also, Assembly Bill, No. 493, An Act declaring the Streets and Alleys

in the Town of Red Bluff, Public Highways;

Also, Assembly Bill, No. 490, An Act to Appropriate Money for the Payment of D. H. Whipley.

R. K. WESTON,

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 404, An Act granting Appeals from the Board of Supervisors to the County Court, in Contra Costa County—was read first and second times, and referred to the delegation from that county.

Assembly Bill, No. 346, An Act to enable the County of Placer to subscribe for Stock to the Sacramento, Placer, and Nevada, Railroad, to the Eastern Extension Railroad, and to assist in constructing certain Wagon Roads therein named—was read first and second times.

On motion of Mr. Anderson, the rules were suspended, and the bill

taken up.

Mr. Leet gave notice that he would on to-morrow, move for a reconsideration of the vote just taken.

The bill was then considered in Committee of the Whole.

Pending which, the hour arrived for the consideration of the General File.

On motion of Mr. Anderson, the bill under consideration was placed at the top of the file.

GENERAL FILE.

Bill further considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Leet gave notice that he would on to-morrow, move for a reconsideration of the vote just taken.

FURTHER CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 483, An Act declaring the Streets and Alleys in the Town of Red Bluff, Public Highways—was read first and second times. On motion of Mr. Logan, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Assembly Bill, No. 420, An Act to Appropriate Money for the Payment of D. H. Whipley—was read first and second times, and placed on file.

GENERAL FILE, RESUMED.

Senate Bill, No. 135, An Act amendatory of an Act entitled "An Act

to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to Consolidate the Government thereof," approved April nineteenth, one thousand eight hundred and fifty-six, and of an Act amendatory and supplementary thereof, approved April eighteenth, one thousand eight hundred and fifty-seven, and of an Act amendatory thereof, approved March twenty-eighth, one thousand eight hundred and fifty-nine—was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Phelps, the rules were suspended, the bill considered engrossed, read a third time and passed, and the bill transmitted to the

Assembly.

Assembly Bill, No. 222, An Act amendatory of "An Act to amend 'An Act providing for the Perma ent Location of the Seats of Justice in the several Counties," passed April eleven, one thousand eight hundred and fifty, passed May thirteen, one thousand eight hundred and fifty-four, passed February one, one thousand eight hundred and fifty-five—was considered in Committee of the Whole.

IN SENATE.

The bill was indefinitely postponed.

Assembly Bill, No. 157, An Act to provide for Settling the Boundary Line between the Counties of Sierra and Plumas, and the Counties of El Dorado and Sacramento—was considered in Committee of the Whole and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Ballou, the bill was referred to the delegation from

Plumas County.

Assembly Bill, No. 264, An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to amend an Act entitled An Act to establish an Asylum for the Insane of the State of California,'" approved May seventeen, one thousand eight hundred and fifty-four, approved April fifteen, one thousand eight hundred and fifty-nine—was considered in Committee of the whole.

IN SENATE.

Bill read a third time and passed.

Mr. Wheeler offered the following resolution:

Resolved, That the Controller of State is hereby authorized to draw his warrant in favor of the Clerks of the Standing Committees of the Senate, from the second day of January to the seventeenth day of January, one thousand eight hundred and sixty, inclusive, payable out of the fund for the pay of Officers and Clerks of the Senate.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Wheeler, Quinn, and Dickinson, and taken with the following result: Ayes, 17—noes, 11:

AYES-Messrs. Bradley, Ballou, Crittenden, De la Guerra, Eagon,

Franklin, Lausing, Leet, Merritt, O'Farrell, Parker, Parks, Peachy, Pico, Ryan, Sharp, and Vance-17.

Noes-Messrs, Anderson, Chase, Dent, Denyer, Dickinson, Haynes,

Kirkpatrick, Logan, Phelps, Quinn, and Wheeler-11.

So the resolution was adopted.

Mr. Leet gave notice that he would, on to-morrow, move for a reconsideration of the vote just taken.

Mr. Vance moved to reconsider the vote just taken, now.

Pending which, Mr. Quinn moved to make the motion to reconsider the special order for Monday, April thirty, at twelve, M.

Upon which, the ayes and noes were demanded by Messrs. Quinn, Leet, and Wheeler, and taken with the following result: Ayes, 19-noes, 9:

Ayes-Messrs, Anderson, Bradley, Chase, Crittenden, De la Guerra, Dent, Denver, Dickinson, Eagon, Haynes, Kirkpatrick, Leet, Logan, Phelps, Pico, Quinn, Sharp, Watkins, and Wheeler-19.

Noes-Messrs. Franklin, Lansing, Merritt, O'Farrell, Parker, Parks,

Peachy, Ryan, and Vance-9.

So the motion was carried. Mr. Franklin offered the following resolution:

Resolution, That the Controller of State be, and he is hereby, authorized, to draw his warrant in favor of John McGlenchy, for one dollar per day, extra, for services as Assistant Sergeant-at-Arms of the Senate, payable out of the Contingent Fund of the Senate.

Adopted.

GENERAL TILE, RESUMFD.

Assembly Bill, No. 82, An Act to Create the County of Alturas—was taken up.

Mr. Bradley moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Ballou, Clark, Crittenden, McDonald, Merritt, Redman, Sharp, and Watkins.

The Sergeant-at-Arms was dispatched for absentees.

On motion of Mr. Ryan, further proceedings under the call were dispensed with.

On motion of Mr. Phelps, Assembly Bill, No. 82, An Act to Create the

County of Alturas-was placed at the foot of the file.

On motion of Mr. Ryan, the rules were suspended, and Assembly Bill, No. 441, An Act to authorize John J. Tomlinson and Associates, to Build a Wharf at the Port of San Pedro, in the County of Los Augeles-was taken up and considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

Bill read a third time and passed.

Mr. Phelps moved to suspend the rules, and place Senate Bill, No. 242, An Act to authorize and direct the Treasurer of the State of California to pay over to F. J. Thibault certain Audited Claims.

Mr. Chase moved to amend by including Senate Bill, No. 138, An Act to establish a Marine Court for the City and County of San Francisco.

Carried.

The motion as amended was carried.

On motion of Mr. Logan, Assembly Bill, No. 485, An Act to authorize the State Treasurer to issue War Bonds for the Relief of J. S. P. Bass &

Co—was placed at the top of the file.

On motion of Mr. Pico, Assembly Bill, No. 381, An Act to legalize the Duplicate Assessment Lists of Los Angeles County-was taken from file, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Parker moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Chase, Logan, and Vance, and taken with the following result: Ayes, 11noes, 16:

AYES-Messrs. Denver, Dickinson, Franklin, Kirkpatrick, Lansing,

Parker, Peachy, Quinn, Sharp, Watkins, and Wheeler-11.

Nors-Messrs, Anderson, Ballou, Clark, Chase, De la Guerra, Dent, Eagon, Leet, Logan, McDonald, O'Farrell, Parks, Phelps, Redman, Ryan, and Vance-16.

So the motion was lost.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:-The Committee on Enrolled Bills have examined and found correctly enrolled, Senate Bill, No. 164, An Act amendatory of an Act entitled "An Act authorizing the Treasurer of State, to Issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State," approved April twentyfifth, one thousand eight hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, one thousand eight hundred and fiftymine;

Also, Senate Bill, No. 338, An Act to authorize the Board of Supervisors of the City and County of San Francisco, to Donate and Convey a Site for the Institution, to be Erected for the Education and Care of the

Indigent Deaf, Dumb, and Blind, in the State of California;

Also, Senate Bill, No. 340, An Act supplementary to an Act entitled "An Act to authorize the Location of the Town Site of Crescent City," approved February twelfth, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 322, An Act amendatory of "An Act to provide Revenue for the Support of the Government of this State, so far as the County of Butte is concerned;"

Also, Senate Bill, No. 196, An Act to Approproiate Money for the Relief of Destitute Females, in the State of California;

Also, Senate Bill, No. 225, An Act to provide for the Compensation of

the State Registrar, of the State of California;

Also, Senate Bill, No. 318, An Act to provide for the Conveyance of the Interest of the Minor Heirs of William E. P. Hartwell, deceased, in and to certain Real Estate in the County of Sacramento;

Also, Senate Bill, No. 119, An Act making an Appropriation for the

Payment of D. J. Sayler, for Services reader 1 by Lim:

Also, Senate Bill, No. 220, An A of to amend an Act entitled "An Act to provide for Paving certain equitable Claims, against the State of Callfornia, and to contract a Funday Debt for that purpose;

Also, Senate Bul, No. Sol. An Act to authorize the sale of a portion of

the Real Estate, of the late James Williams, deceased;

Also, Sonate Bill, No. 118, An Act to amond an Act entitled "An Act for the Relief of Insolvent Debtors, and Protection of Creditors," ap-

proved May fourth, one thousand cight handred and fifty awo;

Also, Schate Bill, No. 142, An Act amendatory et, and sogplementary to, an Act entitled "An Act to provide Lot the Funding and Payment of the outstanding union led Ca his against the Cive of San Trately , and against the County of San Francisco, as they existed paior to the first day of July, A. D. one thousand eight hundred and inty-six, and have taken the same to the Governor, for his approval.

A. ST. C. DENVER,

Chairman.

Accepted.

On motion of Mr. Leet, Senate Bill, No. 3 c., An Act accordatory of "An Act to Define and Establish the Boundary Line of Cantornia," approved April thirteenth, one thousand eight high ired and sixty-was placed at the top of the file.

Mr. Brodley, asked and obtained leave to withdraw the papers in the

claim of George W. Whitman.

MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA. EXECUTIVE DEPARTMENT,) Sacramento, April 27, 1860.

To the Honorable the South of Colomnit:

I berewith transmit to y ur Honorable Body, the Report of the Boar! of Commissioners empowered to comprumes and settle with John F McCauley and Lloyd Tevis, Assigness of James Estell, deceased, all ciaims held by them against the State of California, arising out of, or connected with the contract made on the twenty-sixth of March, A. E. one thousand eight hungred and may six, between the State, and the sail

The act creating this Board, requires a report to the next Legislature, of all proceedings had used its provisions. From the nature of the ale swer received. I am satisfied that the Board can make no farther progress in the negociation, and I doem it my daty to transmit at once, all the pro-

ceedings had under the act, for your further consideration

JOHN G. DOWNEY, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,) Sacramento, April 16th, 1860.

To the Honoralle, the Legislature of Cal tornal :

The Commissioners created by the act entitled "An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with the Contract made on the twenty-sixth of March, A. P. one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract, and for the surrender of the State Prison to the State," approved April twenty-one, A. D. one thousand eight hundred and sixty, respectfully report: That on the twenty-fifth day of April, instant, they transmitted to Lloyd Tevis and John F. Mc-Cauley the notification of their readiness to receive propositions, etc., a copy of which is hereto annexed, marked A. And that on the day subsequent (twenty-sixth instant,) they received from said McCauley the communication (in answer to said notification marked A,) a copy of which is hereto annexed, marked B.

All of which is respectfully submitted.

JOHN G. DOWNEY, President of the Board.

[COPY A.]

SACRAMENTO, April 25, 1860.

To Messrs. John F. McCauley and Lloyd Tevis:

Sirs:—You are hereby notified that the Board of Commissioners created by the act entitled "An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twenty-fifth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the Lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract, and for the surrender of the State Prison to the State," approved April twenty-one, one thousand eight hundred and sixty, have organized, and are ready to receive proposals and hear testimony, for the purpose and with the view of a settlement and adjustment of the claims mentioned in the act creating said Board, in the manner and upon the terms set forth in said act.

By order of the Board, (Signed)

THOS. H. WILLIAMS, Secretary of the Board.

[COPY B.]

SACRAMENTO, April 25, 1860.

Hons. J. G. Downey, T. Findley, and T. H. Williams,
Board of Commissioners:

Gentlemen:—I acknowledge the receipt of a notice of this date, addressed, by your order, to Mr. Lloyd Tevis and myself, and signed "Thos. H. Williams, Secretary of the Board," informing us that the Board of Commissioners created by the act entitled "An Act to provide for the settlement of the claims against the State of California, arising out of, or connected with, the Contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the Lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract, and for the surrender of the State Prison to the State," have organized, and are ready to receive pro-

posals and hear testimony for the purpose, and with the view of a set language that it all estimate or the chains mentioned in the act, and in the manner and upon the terms set forth in said act.

It has always been my wish to compromise my cleims against the State up a terms that were in a year past and equilibrie, and I have up a

all occasions manifested that disposition.

By the act of the twenty-sixth of February, or a thousand eight hundred and fitty-cight, the Logishators adopted the very extra passary and opposite e arse at air that the to very r to take passes at it the State prise a are it assente its nonregement. That art was so pulpally aree i stituti una gud was so di grant a violation ef my rights, that I e will reality, through the agency of the courts, have restrained the G very r Dring process 2 vincer it, and move tained my every seess, w. Total relying at a the justice of the Legislatur. In trained from haveking the power of the law to restrain the int our invingate is unused was if with only that degree or resistance which won't protect my rights in the event that they so all to the roughize he I they applied to the Logis w ture of one thousand eight handred and fittye 22, to repay to not the money I had expended for the State, and to compensate had for the less I had sistaired through ray connection with the State prison contract That L sharper it enjy take too give to any it a undig top my losses. Lit even falled to pay me the son and this says be me in keeping the pris a from the twenty-sixtle of Directal or, one thousand expet has cold and dity-seven, to the first of March, one to issuet eight humbel and

fifty-eight.

It is true that Legislature 14 see I am a 1 am the twenty-sinth of April, to authorize the settlement of the at muts of Jan as M. Est illused myssent arising out of State pris in natters. Lit the act was of such a tathere that if could not have been some say contemplated that I could by any possibility availar yealth, as provisings. Thappear Tible Governor. Controller, and Societary of Stude, the Countries, vers to avoid mediather the claims, all or them editors of the State, and two of them setter age is in the wrong which had been done may It required General Estendant myself to recuse all calles against the State, is a dry color of us, at I arising out at our care ofthe with the State prism. In that release would are benin in high hollsome . . . him it is the State to e.ysed of some alm to both, sould differs, to enable topolished to the State I dire the contact was entired production the State and General Estell, and also my claim against to very a Weller, for my own private In a ray so would by Jahn on the first of March, ere thousand of his landdred as I have just and apply it to the us soft the State. These two items alone numerously to the same trace new place the essent definers, which was the extent of the appropriation made by the act for the satisfacts of et all the claims of trement. Estall and mys in Ard parther, as a contit, a present to the payment of any portion, even it such as impassing it be avaired as, we were required to entroy to the State a good title to certain had or will a wome, on the owners. Nor was tassall. The award of the Court selectes was made by the act, i.e. and conclusive, and by the mere stianiss has our claims we should have been stopped It is ever after as ermiting them in any term. We could not have done otherwise than decline to appear before the Commissioners.

Upon the all circument is the L gis abure of one thousand eight hundred and fifty eight without making any provision we after for my relief, for it would be a more kery to view in that light the action verter in I to, I had no alternative but to appeal to the courts for redress. I accord-

ingly commenced an action against Governor Weller, to recover the possession of the prison. After a protracted litigation, in the course of which I was subjected to no small expense, I recovered a judgment of restitution, in the Supreme Court, on the twenty-sixth of March, one thousand eight hundred and fifty-nine.

I again applied for relief to the Legislature, then in session, and made propositions of compromise. They were not only rejected, but a marked reluctance was shown to engage in the discussion of any terms of settle-

ment.

I then sought to have an act passed permitting me to bring suit against the State. A bill for that purpose was drawn up, in which the rights of the State were carefully guarded, and the door thrown open for the making of every conceivable defense on the part of the State. This bill was corrected at will, by the Attorney-General, and received the approval of the Governor. It was then introduced in the Senate, and rejected.

The Legislature of one thousand eight hundred and fifty-nine, not only thus refused all overtures of settlement, but proceeded in the spirit of the act of the twenty-sixth of February, one thousand eight hundred and fifty-eight, to devise measures to destroy the obligation of the contract of

the State, and to protect those who had wronged me.

I did not desire to be restored to the possession of the State prison. The burden of supporting such an establishment was one that I was ill able to bear, crippled as I was in my resources, by the expenditures I had already made on account of the State prison, and by the seizure and confiscation of all the personal property which, at great expense, I had accumulated for the use of the prison. But the temper displayed in the legislation of one thousand eight hundred and fifty-nine, appeared to leave me no other resource, and after the adjournment of the Legislature, I was, on the thirteenth of May, one thousand eight hundred and fifty-nine, replaced in possession, under legal process.

I found the institution destitute of the most essential articles. At great expense I supplied its wants. From that day to the present time I have supported it, without receiving a dollar from the treasury. I have expended a fortune of my own, have drawn heavily upon the resources of

my friends, and have well nigh exhausted my credit.

When the present Legislature met, my hopes of some just and fair set-

tlement with the State revived.

As an earnest of my own sincerity in entering upon negotiations with a view to compromise, I dismissed all suits which I had commenced, and which were connected with this subject. One was an application for a mandamus to the State Controller, to compel him to draw his warrants for the money due upon the contract; and another was an action against John B. Weller and others, for one hundred thousand dollars, for the taking of my private property.

Early in the present session, the Joint State Prison Committee was instructed to confer with me, and ascertain upon what terms a settlement

could be made, and a surrender of the prison be obtained.

To that committee I submitted a proposition, about the end of January last. After conference and discussion of its terms, I finally agreed that Mr. Tevis and I would accept two hundred and fifty thousand dollars, in full satisfaction of all our claims, including my own individual claim for property taken by Governor Weller—would consent to the cancellation of the contract, and would deliver up the State prison; it being understood that the State should take possession of the prison on the first of March, of this year, and relieve me of any further expense after that date.

A majority of the committee deeming the terms proposed reasonable, reported a bill creating a Board of Commissioners, to effect a compromise, and appropriating the sum named, two hundred and fifty thousand dollars; three-fifths of the amount to be paid in cash, and the remainder

in three months.

The first of March passed by, and no action was taken on this bill. When it was at length called up, it was laid over from time to time. Finally, within the last few days, it was considered. The terms of payment were substantially altered, and the amount of appropriation reduced to the sum of two hundred thousand dollars. So changed, it was passed by the Legislature, and is the act under which your Board is now organized.

On the twenty-sixth of this month there will be due from the State, to Mr. Tevis and myself, according to the terms of the contract, the sum of

two hundred and eighty thousand dollars.

It has heretofore been pretended that this contract was unconstitutional, or, for some cause or other, not obligatory upon the State. The recent decision of the Supreme Court, in a suit brought by the State to establish the invalidity of the contract, sweeps away all such pretenses, determines its binding force, and places the State in an attitude of an acknowledged debtor. It may be that I cannot compel payment; nevertheless, the debt exists; it can no longer be denied. The State is without defense against the demand. She can only escape its payment by repuliation.

In addition to this, upon my claim against John B. Weller and others, for the taking of my private property, I am advised, and believe, that in any court of justice, I will not recover less than sixty thousand dollars.

The State, then, and those who acted under her authority, are now liable to me for a much larger sum than the two hundred and fifty thousand dollars I proposed to take, to say nothing of any advantage which I may surrender, or the State may gain, by the reliaquishment of the contract.

But I have never had, and have not now, the disposition to enforce against the State my strict legal rights. I have always been willing to waive all claim under the contract, and deliver over the prison to the State, upon her simply indemnifying me for the losses I have sustained from my connection with the contract, and in consequence of her own acts, and the acts of her agents. More than that, it seems to me, the State cannot, in justice, and with a due regard for her own honor, demand.

I have given this narration of what has occurred, in order that my position may not be misunderstood, and that it may appear, as the truth is, that I have never resorted to litigation, except when it was a matter of

absolute necessity.

The terms which I offered to the Joint State Prison Committee, and which were incorporated in the bill reported by the committee, were upon a basis of mere indemnity. The payment of two hundred and fifty thousand dollars, and the acceptance of the prison, by the State, on the first of March last, would have saved me from loss. I would have done nothing more.

Since that time, a period of nearly two months, I have supported the prison at an unusually heavy expense, for it has been during a season of the year when the labor of the prisoners could not be turned to profit.

By your communication of this date, I am invited to submit to you proposals for settlement, based upon the idea that the sum of two hundred thousand dollars is the utmost which can, in any event, be allowed me,

and that, for some amount not exceeding that sum, Mr. Tevis and I shall relinquish all claims against the State arising out of the contract, as well

as against her officers and agents for acts done by them.

For the reason that the amount named will not save me from absolute loss, I most respectfully decline to submit to you any proposals whatever, or to engage in any negotiation for a settlement under the provisions of the act to which you refer.

Mr. Tevis is not in this city, and therefore does not unite with me in replying to your notice. I have no doubt that, if present, he would concur in the conclusion at which I have arrived. His determination, however, would not be material. I hold the largest interest in the contract, and have the sole and exclusive right to the possession of the prison. The response, therefore, which I am forced to make for myself, terminates all

prospect of any compromise under the provisions of this act.

While I am thus constrained, by a sense of justice to myself, to decline the overtures made by this act, I still indulge the hope that some mode may be devised of effecting a fair and equitable settlement of my claims. I feel assured that if their extent and nature were fully understood, there could be no difficulty in adjusting them, and obtaining a result which would be just to me, and satisfactory to those having charge of the interests of the State. I care not for the mode of doing this.

It is now nearly fourteen months that I have supported the prison at my own expense. This has probably saved the State one hundred and

forty thousand dollars.

It would seem impossible to suggest a reason, founded in common justice, why, regardless of all other questions and considerations, this money should not be refunded to me; to that extent at least the State cannot, I

think would not, deny her liability.

If this sum be appropriated and paid to me without my being prejudiced in regard to any future claim, by its acceptance, I am content to submit the whole subject of any further compensation to which I may be entitled, to the decision of any court, or any fairly constituted Board of Commissioners, under the provisions of any act which shall give me a fair and public trial, and shall provide for the payment, at some convenient time, of any sum that may be awarded to me.

As to the future disposition of the State prison, it is a matter of indifference to me; I am ready to surrender it upon any settlement. But if it remains in my charge, I am not only willing, but desire, that my management should be subjected to the closest scrutiny of the agents of the State. I desire it for my own protection against misrepresentation.

That the reasons and grounds of my refusing to enter into any negotiation for a settlement on the basis of the act under which you are organized may not be misunderstood, I respectfully request that you will transmit a copy of this communication to the Legislature, with any report which you may make upon the subject.

(Signed) Very respectfully, your obedient servant, (Signed) JOHN F. McCAULEY.

On motion of Mr. Sharp, the message and communication just read, was referred to a Special Committee of three, with instructions to report a bill to-morrow.

The Chair appointed as such committee, Messrs. Sharp, Wheeler, and Kirkpatrick.

FURTHER MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of Clair once Exemply a Dec Forent 1 A THE RESERVE TO SERVE THE PARTY OF THE PART

I was a superior of the superi In the second state of the second realization of made has become a common with the jednosta jednosta to pod Legen tera sa otrada da da. the control of the Section to the first the fact of the first part true had In heat Bully and order Marrier," who, so that to probably spokes world at the second by he is present because he shall be an all the Property and Board Res and when Market Transport Agent through to the test of the sent such as the sent to be sent to be a nja i na maja na projekta kata kata kata pak ile Sellin - Sellin de la

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NOTICE LANGUAGES AND CONTRACTOR

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CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 479, An Act to pay the Claim of H. C. Kibbe—was read first and second times, and referred to the Committee on Claims.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

April 27, 1860.

Mr. President:—The Assembly has passed Senate Bill, No. 330, An Act relative to the Board of Supervisors of Sonoma County;

Also, Assembly Bill, No. 487, An Act appropriating Money to pay the

Claim of J. S. Love.

Respectfully,

J. M. ANDERSON,

Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 487, An Act appropriating Money to pay the Claim of J. S. Love—was read first and second times, and referred to the Committee on Claims.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 27, 1860.

Mr. President:—The Assembly passed Assembly Bill, No. 494, An Act making Appropriations for Expenses for the Eleventh Fiscal Year, ending the thirtieth day of June, one thousand eight hundred and sixty.

Respectfully,

J. M. ANDERSON, Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 494, An Act making Appropriations for Expenses for the Eleventh Fiscal Year, ending the thirtieth day of June, one thousand eight hundred and sixty—was read first and second times.

On motion of Mr. Ballou, the rules were suspended, and the bill con-

sidered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Ballou, of the Plumas Delegation, made a verbal report, recommending the adoption of a substitute for Assembly Bill, No. 157, An Act to provide for Settling the Boundary Line between the Counties of Sierra and Plumas, and the Counties of El Dorado and Saeramento.

On motion of Mr. Ballou, the rules were suspended, the substitute

adopted, and considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Ballou, the rules were further suspended, the bill considered engrossed, read a third time and passed.

Mr. Kirkpatrick, of the Sierra Delegation, made the following report:

Mr. President:—The undersigned, to whom was referred Assembly Bill, No. 141, entitled An Act to regulate the Fees of Officers in Sierra County, has considered the same, and would report the bill, recommending its passage without amendment.

M. KIRKPATRICK,

Of Twentieth District.

Placed on file.

On motion of Mr. Kirkpatrick, the rules were suspended, and the bill just reported was taken up and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Sharp offered the following resolution:

Resolved, That D. J. Williamson, Assistant Secretary of the Senate, be, and he is, allowed the sum of one dollar per day extra, payable out of the Contingent Fund of the Senate, and the Controller of State is authorized to draw his warrant for the same, payable out of the Contingent Fund of the Senate.

Mr. Quinn moved to amend by adding the Secretary and Sergeant-at-Arms.

Pending which, Mr. Wheeler moved that the Senate do now adjourn. Lost.

On motion of Mr. Quinn, the resolution was laid on the table.

Mr. Quinn moved the appointment of a Special Committee of three, to investigate charges made against D. J. Williamson, Assistant Secretary of the Senate.

Carried.

The Chair appointed Messrs. Dickinson, Merritt, and Leet, as such committee.

Mr. Redman, of Senate Committee of Free Conference, made the following report:

Mr. President:—The Committee of Free Conference, appointed by the Senate and Assembly, in relation to the disagreement of the two houses upon amendments proposed to substitute for Assembly Bill, No. 117, An Act amendatory of, and supplementary to, an Act passed April twenty-four, one thousand eight hundred and fifty-eight, entitled "An Act to repeal an Act, passed March twenty-six, one thousand eight hundred and fifty-seven, entitled 'An Act to Incorporate the City of Sacramento, and the several acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento," would respectfully report, that they have had a free conference in relation to said amendments, and the majority of said committee recommend that the Senate recede from its amendment to section four, in which the Assembly refused to concur; which amendment is in these words: "Strike out from the fifty-second, fifty-third, and fifty-fourth lines, the following words: "Together with such fees as are allowed him by law for issuing licenses."

In this portion of the report, Senator McDonald does not concur, but

recommends that the Senate adhere to its amendment.

Your committee further recommend that the Senate adhere to its amendment to section five of said bill, striking out "eight," and inserting "six" in the thirteenth line of said section, and that the Assembly concur in said amendment.

R. A. REDMAN,
R. C. CLARK,
Of Senate Committee.
CONNESS,
R. B. ELLIS,
L. C. GOODMAN,
Of Assembly Committee.

Mr. Clark moved that the report of the Committee of Free Conference be adopted.

Lost.

Mr. Anderson gave notice that he would, on to-morrow, move for a

reconsideration of the vote just taken.

On motion of Mr. Lansing, the rules were suspended, and Assembly Bill, No. 356, An Act to extend the time for Collecting Taxes in the County of Nevada—was taken up and considered in Committee of the Whole.

IN SENATE.

Bill read a third time.

On its passage the ayes and noes were demanded by Messrs. Chase, Lausing, and Parker, and taken with the following result: Ayes, 9—noes, 16:

AYES-Messrs. Kirkpatrick, McDonald, Merritt, Parker, Phelps, Pico,

Quinn, Redman, and Sharp-9.

Noes—Messrs. Anderson, Ballou, Clark, Chase, Dent, Denver, Dickinson, Franklin, Haynes, Lansing, Leet, Logan, O'Farrell, Parks, Peachy, and Wheeler—16.

So the Senate refused to pass the bill.

Mr. Lansing gave notice that he would, on to-morrow, move for a

reconsideration of the vote just taken.

Mr. Merritt, Chairman of Senate Committee of Free Conference, made the following report:

Mr. President:—The Committee of Free Conference on Senate Bill, No. 320, An Act making Appropriations for the Support of the Civil Government of this State for the Twelfth Fiscal Year commencing on the first day of July, one thousand eight hundred and sixty, and ending on the thirtieth day of June, one thousand eight hundred and sixty-one, inclusive, on the disagreeing votes of the two houses thereon, have had the same under consideration, and beg leave to report and recommend as follows:

First—That the Senate concur in second Assembly amendment to section one.

Second—That Assembly recede from their third amendment to section one.

Third—That Senate concur in fourth Assembly amendment to section one.

Fourth—That Assembly recede from fifth Assembly amendment to section one.

Fifth-That Senate concur in sixth Assembly amendment to section

one.

Sixth-That Assembly recede from seventh Assembly amendment to section one.

Seventh—That Senate concur in eighth Assembly amendment to section one, with an amendment: Strike out "five thousand" and insert "three thousand."

Eighth-That Senate concur in ninth Assembly amendment to section

one.

Ninth—That Assembly recede from tenth Assembly amendment to section one.

Tenth-That Senate concur in eleventh Assembly amendment to sec-

tion one.

Eleventh—Add to section one, the following amendment: "For prosecution of delinquents, and for infractions of Revenue Laws, to be expended under the direction of the Controller of State, twenty-five hundred dollars."

Twelfth-That Assembly recede from twelfth Assembly amendment to

section one, relative to "rent of State-House."

Thirteenth.—That Senate concur in section six, as added and amended by Assembly-

Respectfully submitted, MERRITT,

Chairman Senate Committee.
JNO. CONNESS,

Chairman Assembly Committee.

Adopted.

Mr. Wheeler moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. Merritt, Kirkpatrick, and Ryan, and taken with the following result: Ayes, 11-noes, 16:

Ayes-Messrs, Anderson, Ballou, Chase, De la Guerra, Dickinson, Par-

ker, Parks, Peachy Phelps, Pico, and Wheeler-11.

Noes-Messrs, Clark, Dent, Denver, Franklin, Haynes, Kirkpatrick, Lansing, Leet, Logan, McDonald, Merritt, O'Farrell, Quinn, Redman, Ryan, and Sharp-16.

So the motion was lost.

On motion of Mr. Merritt, the rules were suspended, and Senate Bill, No. 200, An Act concerning the Board of State Prison Directors—was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in.

On motion of Mr. Merritt, the rules were further suspended, the bill considered engrossed, read a third time, and passed, and the bill transmitted to the Assembly.

Mr. Sharp moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded by Messrs. O'Farrell, Redman, and Denver, and taken with the following result: Ayes, 11—noes, 15:

AYES-Messrs. Anderson, Clark, Chase, De la Guerra, Dent, Franklin,

Lansing, Logan, Merritt, Parker, and Watkins-11.

Noes-Messrs. Bradley, Ballou, Denver, Haynes, Kirkpatrick, Leet, McDonald, O'Farrell, Peachy, Phelps, Pico, Quinn, Redman, Ryan, and Sharp-15.

So the motion was lost.

On motion of Mr. O'Farrell, the rules were suspended, and Assembly Bill, No. 270, An Act to fix the Compensation and Mileage of Treasurers in the Counties of Santa Clara, San Joaquin, Napa, and Sonoma, and to regulate the time of settlement by them with the Controller and Treasurer of State—was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills have examined and found correctly enrolled Senate Bill, No. 145, An Act supplementary to an Act entitled "An Act to confer further powers upon the Board of Supervisors, and Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned," approved April twenty-third, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 223, An Act for the Relief of the Heirs of Pierre

Maurin, deceased;

Also, Senate Bill, No. 307, An Act concerning the action of Libel, and have this day, at half past three o'clock, P. M. delivered the above bills to the Governor.

A. St. C. DENVER,

Chairman.

Report accepted.

Mr. Phelps moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded, by Messrs. Leet, Ryan, and Haynes, and taken with the following result: Ayes, 13—noes, 14:

AYES—Messrs. Bradley, Ballou, Chase, Denver, Dickinson, Franklin, Kirkpatrick, Lansing, O'Farrell, Parker, Phelps, Sharp, and Watkins—13. Noes—Messrs. Anderson, Clark, De la Guerra, Dent, Haynes, Leet, Logan, McDonald, Merritt, Peachy, Pico, Quinn, Redman, and Ryan—14.

So the motion was lost.

On motion of Mr. Haynes, the rules were suspended, and Assembly Bill, No. 449, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Incorporation of the City of Yreka," approved April twenty-first, one thousand eight hundred and fifty-seven—was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Peachy moved that the Senate do now adjourn.

Upon which the ayes and noes were demanded, by Messrs. Leet, Logan, and Sharp, and taken with the following result: Ayes, 17—noes, 9:
50sen

AYES-Messrs. Anderson, Ballou, Chase, De la Guerra, Dent, Denver, Dickinson, Franklin, Kirkpatrick, Lansing, Merritt, O'Farrell, Peachy, Phelps, Pico, Ryan, and Watkins-17.

Noes-Messrs. Bradley, Clark, Haynes, Leet, Logan, McDonald, Parker,

Redman, and Sharp-9.

So the Senate adjourned.

I. N. QUINN,

President of the Senate.

Attest: J. R. Beard, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER. Saturday, April 28, 1860.

Senate met pursuant to adjournment. President in the Chair. Roll called. Journal of yesterday read and approved.

REPORTS.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. PRESIDENT:-The Committee on Enrolled Bills, have examined and found correctly enrolled Senate Bill, No. 300, An Act to provide for the laying out and construction of certain Public Roads, in the County of San Joaquin, and to Compensate the Owners of Land taken for that purpose ;

Also, Senate Bill, No. 257, An Act to Pay the Fees of Attorneys in

certain Cases, in which the State is interested;

Also, Senate Bill, No. 324, An Act supplementary and additional to "An Act to Incorporate the City of Nevada," approved April nineteenth,

one thousand eight hundred and fifty-six;

Also, Senate Bill, No. 302, An Act to amend an Act entitled "An Act authorizing the Construction of a Telegraph Line, from the City of San Francisco, to the City of Los Angeles," approved March eighteenth, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 330, An Act relative to the Board of Supervisors

of Sonoma County;
Also, Senate Bill, No. 311, An Act to Appropriate Money for the Pay-

ment of certain Claims;

Also, Senate Joint Resolution, No. 54, Relative to Leave of Absence, to A. J. Moulder, Superintendent of Public Instruction, and have taken the same to the Governor, this day, at fifty minutes past nine, A. M.

A. St. C. DENVER, Chairman.

Accepted. Mr. Parker, Chairman of the Committee on State Library, offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that the State Librarian be, and he is hereby, authorized to distribute the extra copies of journals and statutes in the library, to the several counties, in the ratio of their representation in the Legislature, and deliver the same to the Members of the Legislature.

Adopted.

Mr. Dickinson, of Committee on Public Expenditures, made the following report:

State of California,

To J. R. BEARD, Secretary of Senate.

Purpose,	Folios.	Per Folio.	Amount.
For Copying for Printer, for Bills and Reports. From March twenty-fourth, to date, April twenty-eighth—	90	10 -4-	#9 AA
Assembly Bill, No. 42	30 95	10 ets.	\$3 00 9 50
Testimony in Bulkhead	140 420	10	14 00 42 00
Senate Bill, No. 283 Senate Bill, No. 305	90		9 00
State Agricultural Report	3,480	10	348 00
Total	4,303		\$430 30

Examined, and ited, and allowed.

DICKINSON, Chairman.

Adopted.

Mr. Parker, of the San Francisco Delegation, made the following report:

Mr. President:—The delegation from the Fifth Senatorial District, to whom was referred Assembly Bill, No. 142, An Act to authorize Robert Haley and John G. Oldam, to construct a Wharf at the foot of Third Street, in the City and County of San Francisco, have had the same under consideration, and recommend the passage of the same with amendments, and recommend its passage.

L. H. PARKER, For Delegation.

Placed on file.

On motion of Mr. Parker, the rules were suspended, and the bill just reported was taken up, considered in Committee of the Whole, and amended.

IN SENATE.

Amendments concurred in, and bill read a third time and passed.

Mr. Dent, made a verbal report, recommending the passage of Assembly Bill, No. 407, An Act granting Appeals from the Board of Supervisors, to the County Court in Contra Costa County.

On motion of Mr. Dent, the rules were suspended, and the bill considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Bradley, of Committee on Claims, made the following report:

Mr. President:—The Committee on Claims have examined Assembly Bill, No. 479, An Act to pay the Claim of H. C. Kibbe;

Also, Assembly Bill, No. 486, An Act for the Relief of A. J. F. Phelan; Also, Assembly Bill, No. 487, An Act to appropriate Money to pay the Claim of John S. Love, and beg leave to report the same back, and recommend their passage.

B. T. BRADLEY.

For Committee.

Placed on file.

On motion of Mr. Bradley, the rules were suspended, and Assembly Bill, No. 487, An Act to appropriate Money to pay the Claim of John S. Love—was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

On motion of Mr. Denver, the rules were suspended, and Assembly Bill, No. 486, An Act for the Relief of A. J. F. Phelan—was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

On motion of Mr. Bradley, the rules were suspended, and Assembly Bill, No. 479, An Act to pay the Claim of H. C. Kibbe—was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Merritt, of Special Committee, made the following report:

Mr. President:—The Special Committee, who were instructed to inquire into the conduct of D. J. Williamson, Assistant Secretary, touching a resolution which passed the Senate on the twenty-fifth February, one thousand eight hundred and sixty, authorizing the employment of an Assistant Enrolling Clerk, have examined several witnesses on the subject, and find no evidence to implicate Mr. Williamson in the slightest degree.

We, therefore, ask to be discharged from further consideration of the

subject.

Respectfully submitted,

MERRITT,

For the Committee.

On motion of Mr. De la Guerra, the rules were suspended, and Assembly Bill, No. 483, An Act making an appropriation for Deficiencies in the appropriation made for Printing, Paper, and Official Advertisements, for

the Eleventh Fiscal Year-was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

On motion of Mr. Parks, the rules were suspended, and Assembly Bill, No. 437, An Act for the better protection of Laborers, Mechanics, and other Workmen—was taken up, and considered in Committee of the Whole.

IN SENATE.

On motion of Mr. Anderson, the bill was laid on the table.

On motion of Mr. Clark the rules were suspended, and Assembly Bill, No. 490, An Act to appropriate Money for the Payment of D. H. Whip-ley—was considered in Committee of the Whole.

IN SENATE.

Bill read a third time.

On its passage, the ayes and noes were demanded, by Messrs. Wheeler, Parks, and Logan, and taken with the following result: Ayes, 16—noes, 14:

AYES—Messrs. Anderson, Bradley, Clark, De la Guerra, Dent, Denver, Dickinson, Eagon, Haynes, Lansing, Leet, McDonald, Merritt, Peachy, Pico, and Sharp—16.

Noes-Messrs. Chase, Crittenden, Franklin, Kirkpatrick, Logan, O'Farrell, Parker, Parks, Phelps, Quinn, Redman, Ryan, Vance, and Wheeler-

14.

So the bill passed.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

Assembly Chamber, April 27, 1860.

Mr. President:—The Assembly, to-day, passed Senate Bill, No. 327, An Act appropriating Money to complete certain Wells on the Colorado Desert.

R. K. WESTON,

Assistant Clerk of Assembly.

Assembly Chamber, April 28, 1860.

Mr. President:—The Assembly this day passed Schate Bill, No. 199, An Act for the Protection of Fisheries.

J. M. ANDERSON,

Clerk of Assembly.

On motion of Mr. O'Farrell, the rules were suspended, and Assembly Bill, No. 447, An Act for the Settlement of the Estate of certain Minors—was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. Anderson asked leave to make a motion.

Objections were made.

The question being "Shall the Senator have leave to make the motion?" the ayes and noes were demanded, by Messrs. Peachy, Phelps, and O'Farrell, and taken with the following result: Ayes, 16—noes, 14:

AYES—Messrs. Anderson, Bradley, Ballou, Clark, Chase, Denver, Dickinson, Eagon, Franklin, Haynes, Lansing, Logan, Merritt, Quinn, Vance, and Wheeler—16.

Noes-Messrs. Crittenden, De la Guerra, Dent. Kirkpatrick, Leet, McDonald, O'Farrell, Parker, Parks, Peachy, Phelps, Redman, Ryan, and Sharp-14.

опагр—14.

So the Senate refused to allow the motion to be made, it requiring a

two-thirds vote for that purpose.

On motion of Mr. Logan, the rules were suspended, and Assembly Bill, No. 485, An Act to authorize and require the State Treasurer to issue War Bonds for the Relief of J. S. P. Bass & Co.—was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

Mr. O'Farrell, Chairman of the Special Committee, appointed to take under consideration Assembly Bill, No. 230, An Act in relation to Indians, made the following report:

Mr. President:—The Select Committee, to whom was referred Assembly Bill, No. 230, An Act in relation to Indians, have had the same under consideration, and beg leave to say, that owing to the importance of this bill, its great length, various and many provisions, which require greater care and scrutiny than your committee can give them, because of the very short time they have had for its consideration; and as it it the opinion of the majority of the committee that the bill requires many important amendments, therefore return the same without recommendation.

J. O'FARRELL, E. D. WHEELER, JNO. P. HAYNES.

Mr. Anderson moved to reconsider the vote by which the Senate refused to adopt the report of the Committee on Free Conference on Assembly Bill, No. 117, An Act amendatory of, and supplementary to, an Act passed May twenty-fourth, one thousand eight hundred and fifty-eight, entitled "An Act to repeal an Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled "An Act to Incorporate the City of Sacramento, and the several acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento."

Mr. McDonald, moved to indefinitely postpone the motion to reconsider.

Pending which, Mr. Clark moved a call of the Senate.

Carried. Roll called.

Absent-Messrs. Edgerton, Lansing, Parks, Redman, Ryan, and Wat-kins.

The Sergeant-at-Arms was dispatched for absentees.

Mr. Lansing appearing at the bar of the Senate, was admitted.

Mr. Redman, appearing at the bar of the Senate, was admitted.

Mr. Ryan appearing at the bar of the Senate, was admitted.

On motion of Mr. Redman, further proceedings under the call was dispensed with.

The question being on the indefinite postponement of the motion to re-

consider.

The question recurring on the motion to reconsider, the ayes and noes were demanded by Messrs. Clark, McDonald, and Dickinson, and taken with the following result: Ayes, 16—noes, 10:

Aves-Messrs. Anderson, Bradley, Ballou, Clark, Chase, Crittenden, Denver, Dickinson, Eagon, Franklin, Lansing, Merritt, Quinn, Redman, Vance, and Wheeler-16.

Noes-Messrs. De la Guerra, Kirkpatrick, Logan, McDonald, Parker,

Parks, Peachy, Phelps, Pico, and Sharp-10.

So the vote was reconsidered. Mr. Haynes was excused.

Mr. Ryan declined to vote.

The report of Committee of Free Conference, was then adopted.

FURTHER MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, April 28, 1860.

Mr. President:—The Assembly passed to day, Senate Bill, No. 336, An Act to provide for Paying certain equitable Claims against the State of California, and to contract a Debt for that purpose.

Respectfully,

J. M. ANDERSON,

Clerk of Assembly.

ASSEMBLY CHAMBER, April 28, 1860.

Mr. President:—The Assembly have passed Senate Bill, No. 135, An Act amendatory of an Act entitled "An Act to Repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to Consolidate the Government thereof," approved April nineteenth, A. D. one thousand eight hundred and fiftysix, and of an Act amendatory and supplementary thereof, approved April eighteenth, one thousand eight hundred and fifty-seven, and of the Act amendatory thereof, approved March twenty-eighth, one thousand eight hundred and fifty-nine.

J. M. ANDERSON, Clerk of Assembly.

Mr. Sharp made a verbal report, from Special Committee, appointed to take under consideration certain communications and messages, from the Governor, relative to the State Prison, recommending the passage of a bill for an act entitled An Act supplementary and amendatory of "An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twen-

ty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the Lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract, and the surrender of the State Prison to the State."

Read first and second times.

On motion of Mr. Sharp, the rules were suspended, and the bill considered in Committee of the Whole, and amended.

IN SENATE.

On motion of Mr. Sharp, the rules were further suspended, the bill con-

sidered engrossed, and read a third time.

On its passage the ayes and nocs were demanded by Messrs. Chase, Dent, and Sharp, and taken with the following result: Ayes, 18—noes, 11:

AYES—Messrs. Bradley, Clark, Crittenden, De la Guerra, Dent, Eagon, Haynes, Lansing, Merritt, O'Farrell, Parker, Peachy, Phelps, Pico, Ryan, Sharp, Vance, and Wheeler—18.

Nors-Messrs. Anderson, Chase, Denver, Franklin, Kirkpatrick, Leet,

Logan, McDonald, Parks, Quinn, and Redman-11.

So the bill passed, and was sent to the Assembly.

Mr. Eagon moved to suspend the rules, and take up Assembly Bill, No. 355, An Act to provide for the Pay of Troops called out by the Governor of this State to quell Insurrection in the year one thousand eight hundred and fifty-six.

Upon which the ayes and noes were demanded by Messrs. Parker, Chase, and Eagon, and taken with the following result: Ayes, 15-noes,

14:

Aves-Messrs. Bradley, Chase, Crittenden, Dent. Denver, Eagon, Haynes, Kirkpatrick, Lansing, Merritt, O'Farrell, Peachy, Redman, Ryan, and Sharp-15.

Noes-Messrs. Anderson, Ballou, Clark, Franklin, Leet, Logan, Me-Donald, Parker, Parks, Phelps, Pico, Quinn, Vance, and Wheeler-14.

So the motion was lost—a two-thirds vote being requisite. Mr. Anderson offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that the Concurrent Resolution requiring the Legislature to adjourn sine die on the thirtieth day of April, one thousand eight hundred and sixty, at twelve o'clock, m. be, and the same is hereby reseinded, and that the Legislature do adjourn on Tuesday, the first day of May, one thousand eight hundred and sixty, at twelve o'clock, m. and that no new business be hereafter introduced, and that after twelve o'clock, m. on Monday, the twentieth instant, no business of any kind shall be transacted, except to receive messages from the Governor, and this resolution shall not be reseinded unless by a two-thirds vote of both Houses.

Upon the adoption of which, the ayes and noes were demanded by Messrs. Phelps, Parker, and Sharp, and taken with the following result: Ayes, 13—noes, 17:

AYES-Messrs. Anderson, Bradley, Ballou, Chase, Denver, Dickinson,

Eagon, Franklin, Lansing, Logan Merritt, Vance, and Wheeler—13.

Noes—Messrs. Clark, Crittenden, De la Guerra, Dent, Haynes, Kirkpatrick, Leet, McDonald, O'Farrell, Parker, Parks, Peachy, Phelps, Pico. Redman, Ryan, and Sharp-17.

So the Senate refused to adopt the resolution.

On motion of Mr. Haynes, the rules were suspended, and Assembly Bill, No. 369, An Act amendatory of "An Act concerning Notaries Public," approved March sixteen, one thousand eight hundred and fifty-nine-was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 28, 1860.

Mr. President:—The Assembly, on yesterday, passed Assembly Bill, No. 481, An Act to appropriate Money to parties therein named; Also, substitute for Assembly Bill, No. 475, An Act in relation to a

Special Tax for Road purposes in the County of Amador;

Also, indefinitely postponed Senate Bill, No. 288, An Act amendatory of an Act entitled "An Act to establish an Asylum for the Insane of the State of California," passed May seventeen, one thousand eight hundred and fifty-three, approved April first, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 309, An Act to authorize the Board of Supervisors of Calaveras County to levy a Special Tax for the Construction of

a Wagon Road;

Also, Senate Bill, No. 221, An Act to audit and allow the Claim of J. J. Lecount.

R. K. WESTON.

Assistant Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill, No. 481, An Act to appropriate Money to parties therein named—was read first and second times, rules suspended, bill read a third time, and passed.

Assembly Bill, No. 475, An Act in relation to a Special Tax for Road purposes in the County of Amador-was read first and second times, and

placed on file.

Assembly Bill, No. 423, An Act for the Relief of John F. Covey, Treasurer of Klamath County-was read first and second times, and placed on file.

FURTHER MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, April 28, 1860. Mr. President:—The Assembly have this day passed Senate Bill, No. 191, An Act to amend "An Act to Incorporate the City of San José," approved March sixteen, one thousand eight hundred and fifty-nine;

Also, concurred in Senate Concurrent Resolution, No. 52, Relative to State Librarian distributing to each County, etc. copies of Journals,

Statutes, etc.

Also, concurred in Senate amendments to Assembly Bill, No. 441, An Act to authorize John J. Tomlinson and Associates, to build a Wharf at the Port of San Pedro, in the County of Los Angeles;

Also, passed Assembly Bill, No. 423, An Act for the Relief of John F.

Covey, of Klamath County;

Also, Senate substitute for Assembly Bill, No. 157, An Act to provide for Settling the Boundary Lines between the Counties of Sierra and Plumas, the Counties of Shasta and Plumas;

Also, have adopted the report of the Committee of Free Conference on

Assembly Bill, No. 117, relative to the City of Sacramento.

J. M. ANDERSON,

Clerk of Assembly.

ASSEMBLY CHAMBER,

April 28, 1860. Mr. President:—The Assembly have this day passed Senate Bill, No. 200, An Act concerning the Board of State Prison Directors.

R. K. WESTON,

Assistant Clerk of Assembly.

ASSEMBLY CHAMBER, April 28, 1860.

Mr. President:—The Assembly have passed Senate Bill, No. 297, An Act to provide for the Examination and Payment of certain Claims against the City of San Francisco and against the City and County of San Francisco.

R. K. WESTON,

Assistant Clerk of Assembly.

MESSAGE FROM THE GOVERNOR.

The following message were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, Sacramento, April 28, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body, that I have approved Senate Bill, No. 275, An Act to audit and allow the Claim of Edmund Williamson and Co.;

Also, Senate Bill, No. 175, An Act to provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Mendocino County; Also, Senate Bill, No. 333, An Act to authorize the Board of Supervi-

sors of the City and County of Sacramento to Levy a Special Tax;

Also, Senate Bill, No. 186, An Act to facilitate the establishment of Telegraphic Communication between California and the Atlantic States; Also, Senate Bill, No. 331, An Act to authorize the Sale of a portion of

the Real Estate of the late James Williams, deceased;

Also, Senate Bill, No. 118, An Act to amend an Act entitled "An Act for the Relief of Insolvent Debtors and Protection of Creditors," approved May fourth, one thousand eight hundred and fifty-two;

Also, Senate Bill, No. 142, An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Funding and Payment of the Outstanding unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, one thousand eight hundred and fifty-six;"

Also, Senate Bill, No. 220, An Act to amend an Act entitled "An Act to provide for Paying certain Equitable Claims against the State of California, and to contract a Funded Debt for that purpose," approved April

twenty-eighth, one thousand eight hundred and fifty-seven;

Also, Senate Bill, No. 119, An Act making an Appropriation for the

Payment of D. J. Snyder, for Services rendered by him;

Also, Senate Bill, No. 225, An Act to provide for the Compensation of

the State Registrar of the State of California;

Also, Senate Bill, No. 322, An Act amendatory of "An Act to provide Revenue for the Support of the Government of this State," passed April twenty-ninth, one thousand eight hundred and fifty-seven, so far as the County of Butte is concerned;

Also, Senate Bill, No. 340, An Act supplementary to an Act entitled "An Act to authorize the Location of the Town Site of Crescent City," approved February twelfth, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 196, An Act to appropriate Money for the Relief

of Destitute Females in the State of California;

Also, Senate Bill, No. 338, An Act to authorize the Board of Supervisors of the City and County of San Francisco to Donate and Convey a Site for the Institution to be erected for the Education and Care of the Indi-

gent Deaf, Dumb, and Blind, in the State of California;

Also, Senate Bill, No. 164, An Act amendatory of an Act entitled "An Act authorizing the Treasurer of State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State," approved April twenty-fifth, one thousand eight hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 223, An Act for the Relief of the Heirs of Pierre

Maurin, deceased;

Also, Senate Bill, No. 145, An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Supervisors, and Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned," approved April twenty-third, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 280, An Act to fix the Compensation of the Dis-

trict Attorney of Tulare County.

JOHN G. DOWNEY, Governor

Mr. Bradley moved to take from the table the message of the Governor, returning without his approval, Senate Bill, No. 167, An Act in relation to a Sea-Wall or Bulkhead, in the City and County of San Francisco.

Pending which, Mr. Vance moved that the Senate do now adjourn.

Upon which, the ayes and noes were demanded, by Messrs. Sharp, Eagon, and Ryan, and taken with the following result: Ayes, 10—noes, 21:

AYES-Messrs. Ballou, Chase, Denver, Dickinson, Eagon, Franklin, Lansing, Logan, Vance, and Wheeler-10.

Noes-Messrs. Anderson, Bradley, Clark, Crittenden, De la Guerra,

Dent, Haynes, Kirkpatrick, Leet, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Ryan, and Sharp—21.

So the Senate refused to adjourn.

The question being on taking the Governor's messsage from the table, the ayes and noes were demanded, by Messrs. Bradley, Sharp, and Parker, and taken with the following result: Ayes, 19—noes, 11:

AYES-Messrs. Bradley, Clark, Crittenden, De la Guerra, Haynes, Kirkpatrick, Logan, McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps. Pico, Quinn, Redman, Ryan, and Sharp-19.

NOES-Messrs. Anderson, Ballou, Chase, Denver, Dickinson, Eagon.

Franklin, Lansing, Leet, Vance, and Wheeler-11.

So the message was taken up.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?" the roll was called, with the following result: Ayes, 15—noes, 15:

AYES-Messrs. Anderson, Bradley, Ballou, Clark, Chase, Denver, Dickinson, Eagon, Franklin, Lansing, Leet, Logan, Quinn, Vance, and Wheeler-15.

Noes-Messrs. Crittenden, De la Guerra, Dent, Haynes, Kirkpatrick. McDonald, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Redman,

Ryan, and Sharp-15.

So the Senate refused to pass the bill.

Mr. Anderson moved to reconsider the vote by which the Senate passed Assembly Bill, No. 340, An Act to enable the County of Placer to subscribe for Stock to the Sacramento, Placer, and Nevada, Railroad, to the Eastern Extension Railroad, and to assist in constructing certain Wagon Roads therein named.

Mr. Merritt moved to indefinitely postpone the motion to reconsider. Upon which, the ayes and noes were demanded, by Messrs. Leet, Balou, and Bradley, and taken with the following result: Ayes, 19—noes, 9:

AYES—Messrs, Anderson, Bradley, Ballou, Clark, Chase, Crittenden, De la Guerra, Dickinson, Franklin, Merritt, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Redman, Ryan, and Vance—19.

Noes-Messrs. Dent, Denver, Haynes, Lansing, Leet, Logan, McDonald,

Quinn, and Sharp-9.

So the motion was indefinitely postponed. Mr. Anderson asked leave to introduce a bill.

Mr. Leet objected.

Mr. Leet proposed to place certain charges upon the Journals of the Senate.

To which objections were made.

The question being, "Shall the Senator have leave to place said charges upon the Journals?" it was put.

Lost.

Mr. Anderson offered the following resolution:

Resolved, That a committee of three be appointed to investigate the circumstances connected with the loss or misplacement of Assembly Bill,

No. 340, with directions to report their conclusions on Monday next, at half-past ten, A. M.

Adopted.

The Chair appointed as such committee, Messrs. Redman, Peachy, and Clark.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, April 28, 1860.

Mr. President:—The Assembly has passed Senate Bill, No. 321, An Act in relation to the City and County of San Francisco.

Respectfully,

J. M. ANDERSON. Clerk of Assembly.

Mr. Denver, Chairman of the Committee on Enrolled Bills, made the following report:

Mr. President:—The Committee on Enrolled Bills have examined and found correctly enrolled Senate Bill, No. 199, An Act for the Protection of Fisheries;

Also, Senate Bill, No. 327, An Act appropriating Money to Complete

certain Wells on the Colorado Desert.

And have taken the same to the Governor this day, at twenty minutes past three, P. M.

A. St. C. DENVER,

Chairman.

Report accepted.

On motion of Mr. Peachy, the rules were suspended, and Assembly Bill, No. 19, An Act to amend an Act entitled "An Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the Payment of the same," passed May first, one thousand eight hundred and fifty-one, approved April thirtieth, one thousand eight hundred and fifty-eight, was taken up, and considered in Committee of the Whole.

IN SENATE.

Mr. Ryan moved the previous question.

Sustained.

The question being, "Shall the main question be now put?" the ayes and noes were demanded, by Messrs. Parker, Peachy, and Phelps, and taken with the following result: Ayes, 17-noes, 9:

AYES-Messrs. Bradley, Clark, Chase, Denver, Eagon, Franklin, Haynes, Kirkpatrick, Lansing, Leet, Logan, Merritt, O'Farrell, Pico, Ryan, Vance, and Wheeler-17.
Nors-Messrs. Ballou, Dickinson, McDonald, Parker, Parks, Peachy,

Quinn, Redman, and Sharp-9.

So the motion to put the main question was carried.

The main question being on the third reading and passage of the bill, it was read a third time. On its passage, the ayes and noes were demanded, by Messrs. Parker, Phelps, and Sharp, and taken with the following result: Ayes, 20-noes, 6:

AYES — Messrs. Bradley, Ballou, Chase, Crittenden, Denver, Eagon, Franklin, Kirkpatrick, Lansing, Leet, Logan, Merritt, O'Farrell, Parker, Peachy, Pico, Quinn, Ryan, Sharp, and Vance—20.

Noes-Messrs. Clark, De la Guerra, Haynes, McDonald, Parks, and

Phelps-6.

So the bill passed.

Mr. Redman asked and obtained unanimous leave of the Senate to

"dodge" the question.

Mr. Parker gave notice that he would, on Monday, April thirtieth, one thousand eight hundred and sixty, move for a reconsidenation of the vote

just taken.

On motion of Mr. Merritt, the rules were suspended, and Assembly Bill, No. 317, An Act to amend an Act entitled "An Act to Regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one, was taken up, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time and passed.

On motion of Mr. Ballou, the rules were suspended, and Assembly Bill, No. 85, An Act to provide for the Disposal of the Sixteenth and Thirty-Sixth Sections of Land donated to this State for School Purposes, by act of Congress, passed March third, one thousand eight hundred and fifty-three, and to appropriate the Proceeds of the Sale thereof to the credit of the General School Fund, was taken from the table, and considered in Committee of the Whole.

IN SENATE.

Bill read a third time.

On its passage, the ayes and noes were demanded, by Messrs. Ryan, Denver, and Leet, and taken with the following result: Ayes, 19-noes, 7:

Ayes-Messrs. Bradley, Ballou, Clark, Chase, Crittenden, Denver, Dickinson, Eagon, Franklin, Kirkpatrick, Lansing, McDonald, Merritt, Peachy, Quinn, Redman, Ryan, Sharp, and Vance-19.

Noes-Messrs. Dent, Leet, Logan, O'Farrell, Parks, Phelps, and Wheel-

er-7.

So the bill passed.

On motion of Mr. Sharp, the Senate adjourned.

I. N. QUINN, President of the Senate.

Attest: J. R. BEARD, Secretary of the Senate.

IN SENATE.

SENATE CHAMBER, Monday, April 30, 1860.

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

On motion of Mr. Phelps, the reading of the Journal was dispensed with, for the purpose of introducing the following concurrent resolution:

Resolved, By the Senate, the Assembly concurring, that Joint Standing Rule or Order, No. 15, and all other rules and orders necessary, are hereby suspended, for the purpose of enabling Senate Bill, No. 342, An Act supplementary and amendatory of "An Act to provide for the Settlement of all Claims against the State, arising out of, or connected with, the Contract made on the twenty-eighth day of March, one thousand eight hundred and fifty-six, between the State of California and the late J. M. Estell, for the lease of the State Prison and Convict Labor, and to procure the cancellation of said Contract and the surrender of the State Prison to the State," approved April twenty-first, one thousand eight hundred and sixty, to be acted upon by the Legislature, and to be transmitted to the Governor for his approval, this day, and for no other purpose.

Mr. Ryan offered the following as a substitute:

Resolved, By the Senate, the Assembly concurring, that the concurrent resolution, fixing the day of adjournment on this day, the thirtieth instant, be, and the same is, hereby rescinded; that the Legislature of the State of California will adjourn on Tuesday, the first day of May, instant, at twelve oclock, M. sine die; and, further, that after twelve o'clock, M. of this day, no business shall be transacted, except to consider and act upon bills relating to State Prison matters, and to receive and consider messages from the Governor.

Pending which, Mr. Ballou moved a call of the Senate.

Carried.

Roll called.

Absent-Messrs. Chase, Eagon, and O'Farrell.

The Sergeant-at-Arms was dispatched for absentees.

On motion of Mr. Sharp, further proceedings under the call were dispensed with.

The question being on the adoption of the substitute, the ayes and noes were demanded by Messrs. Ryan, Phelps, and Peachy, and taken with following result: Ayes, 7—noes, 21:

AYES-Messrs. Bradley, Ballou, Haynes, Kirkpatrick, Logan, Merritt, and Ryan-7.

Noes-Messrs. Anderson, Clark, Crittenden, De la Guerra, Dent, Denver, Dickinson, Franklin, Lansing, Leet, McDonald, O'Farrell, Parker, Parks, Peachy, Phelps, Pico, Quinn, Redman, Sharp, and Wheeler—21.

So the Senate refused to adopt the substitute.

The question being on the adoption of the original resolution, it was adopted.

Mr. Sharp moved to reconsider the vote by which the Senate on Saturday passed Assembly Bill, No. 19, An Act to amend an Act entitled "An Act to amend an Act entitled "An Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the Payment of the same," passed May first, one thousand eight hundred and fifty-one, approved April thirtieth, one thousand eight hundred and fifty-eight.

Mr. Merritt moved the previous question, which was sustained.

The question being "Shall the main question be now put?" was put, and carried.

The Senate refused to reconsider the vote.

Mr. Lansing offered the following resolution:

Resolved, That the Secretary, Assistant Secretary, and Minute Clerk, of the Senate, be, and they are hereby, allowed thirty days each, after the adjournment of the Legislature, to write up and deliver to the Secretary of State, as required by law, the journals and other work of the Senate, and the Controller of State is hereby authorized and directed to draw his warrant on the Treasurer, payable out of the appropriation for pay of officers and Clerks of the Senate and Assembly.

Upon the adoption of the resolution, the ayes and noes were demanded, by Messrs. Merritt, Lansing, and Parks, and taken with the following result: Ayes, 13—noes, 11:

AYES-Messrs. Bradley, Clark, Crittenden, Dent, Denver, Lansing, Leet, Logan, O'Farrell, Peachy, Phelps, Sharp, and Vance-13.

Noes-Messrs. De la Guerra, Dickinson, Franklin, Kirkpatrick, Mc-Donald, Merritt, Parks, Pico, Quinn, Redman, and Wheeler-11.

So the resolution was adopted. Mr. Sharp offered the following concurrent resolution:

Resolved. By the Senate the Assembly concurring, that rule fifteen of the Joint Rules and Orders, and all other rules, which may be necessary to enable the Governor to approve Assembly Bill, No. 19, and for that purpose only, be suspended.

Adopted. Mr. Phelps, offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that the Enrolling Clerk of the Senate, be, and he is hereby, authorized and directed to insert in Senate Bill, No. 336, An Act to provide for Paying certain Equitable Claims against the State of California, and to Contract a Funded Debt for that purpose; the words, "the Tuesday next after," before the words "the first Monday of November," wherever the same occurs in the bill, said words having been omitted through inadvertance in said bill; and also, strike out the word "canceled," and insert the word "canvassed," in place thereof.

Adopted. Mr. O'Farrell, offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that the Enrolling

Clerk of the Assembly, be, and he is hereby, authorized to insert in enrolled Assembly Bill, No. 270, section one, seventh line, the word "hundred," between the words "one" and "thousand," so as to read "one hundred thousand," and that Joint Rule, Number Fifteen, be suspended so far as applies to said bill.

Adopted.

Mr. Redman, Chairman of Special Committee, made the following report:

Mr. President:—The Special Committee appointed to investigate the circumstances connected with the loss or misplacement of Assembly Bill No. 340, and to report their conclusions on this day at half past ten A. M.,

have the honor to report as follows:

They were engaged on the evening of the twenty-eighth, from eight o'clock, P. M. to two, A. M. in taking the depositions of witnesses. They examined the following, viz: Hon. S. W. Lovell, member from Placer; Mr. W. E. C. Brown; Mr. W. W. Mason, Assistant Enrolling Clerk of the Assembly; Mr. Wm. Smith, Assistant Enrolling Clerk of the Senate; Hon. D. S. Beach, member from Placer; Mr. D. Yoacham, Minute Clerk of the Senate; Mr. D. J. Williamson, Assistant Secretary of the Senate; Hon. James Anderson, Senator from Placer; Charles Newell, Page in the Senate; James Cunningham, Paper-Folder of the Senate; and the Hon. S. T. Leet, Senator from Placer. Your committee return herewith the depositions of the above named witnesses.

From this testimony it appears that on the twenty-seventh instant, after Assembly Bill, No. 340 had passed the Senate, and after Messrs. Anderson and Leet had each given notice of intention to move a reconsideration of the same, on the twenty-eighth instant, Mr. Lovel, of the Assembly, wishing to have the bill fairly copied, it not having been engrossed in the Assembly, and there being numerous amendments pasted on it, requested Senator Anderson to obtain the bill from the Secretary of the

Senate and give it to Mr. W. W. Mason, to be copied.

With this request Mr. Anderson complied. The Assistant Secretary

gave him the bill, and he put it into the hands of Mr. Mason.

Mr. Leet being also desirous of examining the bill, applied to the Assistant Secretary for it, a few moments after he had given it to Mr. Anderson, and was informed by the Assistant Secretary that Mr. Anderson had it.

A very short time afterwards some conversation occurred between Messrs. Anderson and Leet relative to the bill, during which Mr. Anderson informed Mr. Leet that it was in the hands of a Clerk to be copied,

and promised to send it or carry it to Mr. Leet that night.

Between five and seven o'clock that evening Mr. Leet requested James Cunningham to go immediately to Mr. Anderson for the bill, and to bring it to Mr. Leet's room, and to put it in an envelope which he had left on his table for the purpose. Charles Newell was present when Mr. Leet made this request of James Cunningham.

They did not deliver the message to Mr. Anderson until about ten o'clock that night, when they were informed by him that, an hour or too before, he had taken the bill to Mr. Leet's chamber and left it on his table.

About five o'clock that same evening Mr. Leet, with Mr. Beach, went to the room where Mr. Mason was copying the bill, and examined it, or at least Mr. Beach did.

About half past eight on that night Mr. Anderson, in company with

Mr. Mason, went to Mr. Leet's boarding house for the purpose of giving him the bill. Mr. Leet not being at home, Mr. Anderson and Mr. Brown went up to Mr. Leet's room, and Mr. Anderson wrapped up the bill in a sheet of paper, on which he had written a note to Mr. Leet, informing him of his having brought the bill, and left it, one end under Mr. Leet's candlestick, on his table, and requested Mr. Brown, who was a boarder in the house, to call his attention to it.

A few minutes after this, Mr. Mason meeting Mr. Leet, near the Orleans Hotel, informed him that Mr. Anderson had taken the bill to his

room and had left it there.

Mr. Leet says that during the course of the evening he sought Mr. Anderson in several places, his own chamber among others, with the object, we presume, of obtaining the bill; that about twelve o'clock at night he returned to his chamber, in Mrs. Wilburn's boarding house, on Third Street; that he took some newspapers with him; that his candle had burned out; that he laid the newspapers on the table, and went to bed in the dark; that he was informed next morning, on inquiry, by James Cunningham and Mr. Brown that Mr. Anderson had brought the bill to his room the night before; that after breakfast he went to his room to get his hat, but made no search for the bill, and had not looked for it up to the time of giving his testimony, on the night of the twenty-eighth instant.

Your committee beg leave, before concluding this report, to exonerate Mr. Anderson from all blame in the matter, and to state that his conduct

throughout has been in all respects fair and honorable.

Your committee submit this report and the accompanying testimony without recommendation, leaving it to the Senate to suggest the steps to be pursued for the recovery of the bill and all else which under the circumstances the honor and the dignity of the Senate may require.

R. A. REDMAN, ARCH. C. PEACHY.

DEPOSITION OF S. W. LOVELL.

S. W. Lovell, sworn, says:

I am a member of the Assembly from Placer County. Assembly Bill, No. 340, was introduced about six weeks ago, which was referred to the Committee on Corporations. After the veto of the "Wagon Road Bill," a substitute was reported, and its passage recommended. A meeting of the delegation was afterwards held, for the purpose of considering the substitute. The delegation did not agree. Mr. Leet, Mr. Beach, Mr. Makins, and Mr. Harville, objecting to some of its provisions. The substitute passed the House with some amendments which were suggested by Mr. Leet, at the meeting of the delegates referred to. The original bill was to appropriate the sum of one hundred and fifty thousand dollars to one railroad, to be paid for in county bonds. The substitute provided for the appropriation of the same amount of money to four different objects. The original bill and substitute were subsequently referred to the Placer County Delegation, and they reported in favor of the passage of the original bill, a minority of the delegation recommending the passage of the substitute. The substitute passed the Assembly on the twenty-seventh of April, and was transmitted to the Senate under a suspension of the rules, without an engrossment. After it passed the Senate, it was thought best to have a copy of the bill. Mr. Anderson and myself wanted to have the bill copied, and went to see Mr. Mason, to get him to do it, and he agreed to copy it—and I afterwards saw the bill in his hands, which was the last I saw of the bill; this was between two and four o'clock, P. M.

S. W. LOVELL.

DEPOSITION OF W. E. C. BROWN.

Mr. W. B. C. Brown, sworn, says:

At about half-past eight o clock, last night, Mr. Anderson, in company with Mr. Mason, came to Mrs. Wilburn's, on Third Street, and Mr. Anderson requested to see Mr. Leet. I conducted him to the room of Mr. Leet. We found a candle burning. Mr. Leet was absent. Mr. Anderson took a bill out of his pocket, and wrote something on a loose piece of paper, wrapped it around the bill, laid the bill and paper on the table, set the candlestick upon the bill. Mr. Anderson then requested me to call Mr. Leet's attention to it as soon as I saw him. Mr. Anderson then left in company with Mr. Mason. Mr. Mason did not go into Mr. Leet's room, but remained in the parlor. I did not see Mr. Leet that night. Mr. Leet's room is open pretty nearly all the time—it is not usual there, to look the rooms. I saw Mr. Leet at breakfast this morning, and told him about it. I do not think Mr. Leet mentioned whether he had seen it, or not. Something was said about the candle having burnt out, and Mr. Leet said he did not see anything there. There are children and servants about the house.

CROSS-EXAMINED BY MR. LEET.

We found the door of the room open when we went to it. I saw no one in the room when we went to it. I do not know who lit the candle. I saw indorsements on the paper left there, which led me to conclude it was a bill. The candle was very short. It would not have burned a half an hour. The boarders are Senator Haynes, Senator Leet, Dan. Yoacham, and Mr. Pennington. I have not seen the bill since. There might have been some one there under the bed. There could not have been any one in the room without my seeing them, unless they had been hid. The children had gone to bed when Mr. Anderson came. All the servants about the house were a Chinaman, a negro man, a woman, and her son, about ten or twelve years of age. They could have had access to the room without my knowledge of it. I sat up until half-past ten o'clock. I did not hear Mr. Leet come in. I saw Mr. Leet about six o'clock, the last time on that evening. I did not re-enter Mr. Leet's room after Mr. Anderson left.

W. B. C. BROWN.

DEPOSITION OF W. W. MASON.

W. W. Mason, sworn, says:

I am Assistant Enrolling Clerk of the Assembly. On Friday (yesterday) afternoon I met Mr. Lovell in the hall opposite to the door leading into the Senate Chamber; he informed me that there was a bill, in which his county was interested, which had passed the Senate, and that it had

not been reported back to the Assembly; that he wished the bill enrolled in order that upon its report back to the house it might be reported to the Governor on to-day, which is a very ordinary practice among the members. I informed him that I would enroll it for him. He then told me to go to Mr. Anderson and ask him to procure the bill from the Assistant Secretary of the Senate, which I did. I went to Mr. Anderson's desk and made the request. The Assistant Secretary was officiating in place of the Secretary at the time. Mr. Anderson came out into the lobby and spoke to Mr. Palmer, and asked him to go and take Mr. Williamson's place in order that Mr. Williamson might make the entries of the indorsement on the bill in his books. Mr. Palmer did so. Mr. Williamson made the entries, according to request, and brought the bill to Mr. Anderson, near the gate, to the chamber, and handed the bill to Mr. Anderson, and he passed the bill to me at the time on the floor of the Senate. I took the bill and carried it to the Enrolling Clerk's room. I commenced to enroll the bill, and was troubled to make out some words which were very badly written. I went with the bill to Mr. Lovell's desk, and he being engaged told me to go to Mr. Anderson, and I did so, and called Mr. Anderson out, and he made the necessary explanations to me, and I returned to the room. Afterwards Mr. Anderson came to the Clerk's room and asked me if I had finished the bill. I told him I had not finished it. He remarked that he would prefer that I should engross it first, as he desired a copy to show to his colleagues, and then enroll it. I then told him I would bring an engrossed copy to his room by eight o'clock. I then stopped enrolling and went to engrossing. During the time I was engrossing Mr. Beach and Mr. Leet came into my room; they came up behind me, and Mr. Leet asked me where I got the bill. I replied that I had got it from the Assistant Secretary of the Senate. He said that it was against the rules of the Senate for a bill to go out of the hands of the Secretary. The remark made no impression upon me, because it was so usual a custom. After some further conversation, which I do not now remember, they left. I finished engrossing the bill, and requested Mr. Aiken, who was in the room, to read the copy while I read the original. This copy marked "A" is the copy I made and compared. I then took the copy to Mr. Anderson, and left the original in my drawer locked up. I finished it about ten minutes past eight o'clock. In the meantime I had been thinking about what Mr. Leet said about the violation of the rules of the Senate, and thought that perhaps my remark that I had received the bill from Wilhamson might get him into trouble, and I remembered that Mr. Anderson had handed me the bill, he having passed it from Mr. Williamson's hands into mine-of which fact I informed Mr. Leet personally, in front of the Bank Exchange, not a half an hour afterwards. He turned abruptly from me and made no reply. I called Mr. Leet aside, when I told him this. I also told him at this time that Mr. Anderson had left the bill at his (Mr. Leet's) room. After I finished engrossing the bill, I took the copy to Mr. Anderson's room. Mr. Anderson said he did not wish the copy, but he wanted the original bill to give to Mr. Leet, as he had promised to do. He went with me back to my room, and there compared the copy referred to with the original, with the assistance of Mr. Smith, who was in the room. After comparing it, and finding it correct, Mr. Anderson, in company with me, brought the original down to Mr. Leet's boarding-house, and Mr. Brown went with him to show him Mr. Leet's room. Mr. Anderson asked Mr. Brown to go with him and see him leave the bill in Mr. Leet's room. They went up stairs together and left the bill. Mr. Anderson and myself then came down in town together, to the corner of

J and Second streets. Mr. Anderson then went to his room and I crossed over towards the Bank Exchange and saw Mr. Leet, and told him that Mr. Anderson had left the bill. This was not more than half an hour after we left the bill. I have never had any conversation with Mr. Williamson in regard to this bill, until to-day, since the matter came up in the Senate. At the time Mr. Leet asked me what I was doing with the bill, I told him I was making a rough copy. What I mean by a rough copy, is the usual term used to distinguish an engrossed copy from an enrolled copy; it is nevertheless a correct copy.

CROSS-EXAMINED BY MR. LEET.

I do not remember any explanation made by Mr. Leet in regard to its being against the rules to take a bill out of the possession of the Secretary. Mr. Beach examined the provisos to the bill and handed it back to me. I do not recollect that Mr. Leet took hold of the bill or examined it. I was standing near the gate and saw Mr. Williamson making the entries in his book.

W. W. MASON.

DEPOSITION OF WILLIAM SMITH.

William Smith sworn, says:

I am Assistant Enrolling Clerk of the Senate; the copy marked "A," referred to in Mr. Mason's testimony, is the copy read by me at the time Mr. Anderson and myself compared it with the bill; I read the copy aloud while Mr. Anderson read the original bill.

CROSS-EXAMINED BY MR. LEET.

I don't know whether the bill ever passed either house or not, of which this is a copy.

WM. SMITH.

DEPOSITION OF D. S. BEACH.

D. S. Beach sworn, says:

I am a member of the Assembly from Placer County; the statements of Mr. Lovell, in his testimony, I agree with, so far as they relate to the history of the progress of the bill in its passage; after Mr. Harville told me that the bill had passed, I went to my room and laid down; Mr. Leet then came to my room and inquired of my brother if I was in; I heard him and got up. Mr. Leet said that the bill had passed the Senate, and that he had given a notice of a reconsideration of the vote on to-day; that he wanted to see the bill but could not find it; I think that he stated that he thought that the Secretary had given the bill to Mr. Anderson; that he had spoken to Mr. Anderson, and he told him he would give him the bill that evening; he (Mr. Leet) said he was satisfied that the Enrolling Clerk had gotten the bill to enroll; he asked me who the Enrolling Clerk was; I told him it was Mr. Kibbe; we then went and found Kibbe coming out of the capitol; asked him if the bill was in his possession; he said his Assistant had the bill, and he would go over there right away; he said the Clerk had the bill, not to enroll it, but to make a copy for Mr.

Lovell; we all went to the Clerk's room together. Mr. Mason was writing on the bill when we went in, and Mr. Leet asked Mr. Mason how he got the bill, and Mason said that the Assistant Secretary gave it to him; Mr. Leet said to him that it was against the rules for it to go out of the Senate, because he had given notice of a motion to reconsider. While they were talking I looked at the bill and saw that the bill was just the same as it was when it passed the house, and I know that exhibit "A," spoken of in Mason's testimony is a correct copy of the bill. Mr. Mason stated that he had the bill to make a copy for Mr. Anderson. After we came away we met Mr. Williamson and told him about it, and Mr. Williamson said he had not given it to Mr. Mason, but had given it to Mr. Anderson. I again saw Mr. Leet between eight and nine o'clock, near the Orleans Hotel, and he said he had been looking for Mr. Anderson. Mr. Leet said if he could get the vote reconsidered he wanted to amend the bill so as to have that portion relating to the wagon roads stricken out. I never saw Mr. Leet have the bill in his hands. I heard the bill read in his presence, and most of the amendments were suggested at Mr. Anderson's room while Mr. Leet was there.

D. S. BEACH.

MR. LOVELL, (RECALLED.)

I had a conversation with Mr. Leet last evening between eight and half-past eight o'clock. He asked me where Mr. Anderson was, and I told him I supposed he had gone to see him. Mr. Leet said he had just come from his room and that Mr. Anderson was not there. Mr. Leet also stated that he had been to my room and also to Mr. Anderson's. This was in front of the Orleans. This was in front of the Orleans; I afterwards saw Mr. Leet in Judge Parson's; this was about ten o'clock at night. It was at my request that the bill was placed in the hands of the Copying Clerk.

S. W. LOVELL.

DEPOSITION OF DANIEL YOACHAM.

. Daniel Yoacham sworn, says:

I am Minute Clerk of the Senate. I saw Mr. Leet at the Senate yesterday; I saw him last night between eight and nine o'clock at the Senate Chamber; he was there over an hour. I board in the same house where Mr. Leet does; I saw him at dinner yesterday.

DAN. YOACHAM.

TESTIMONY OF D. J. WILLIAMSON.

D. J. Williamson sworn, says:

I am Assistant Secretary of the Senate. After the bill had passed, Mr. Anderson came to me and told me he wanted the bill. I opened the book for the purpose of making the entries, and Mr. Leet came to me and said he wanted the bill; after indorsing the bill I took it to Mr. Anderson; with my hands on the desks of Mr. Anderson and Mr. Leet, told Mr. Leet that I had given the bill to Mr. Anderson; Mr. Anderson then said to me,

he would give it to Mr. Leet. I told Mr. Leet after the Senate adjourned that I thought Mr. Anderson had the bill for the purpose of having it copied. I have never seen the bill since After the motion to reconsider was indefinitely postponed to-day, Mr. Leet came and asked me if I had the bill; Mr. Anderson also did the same; Mr. Anderson first came and asked me to take the bill to the Assembly; Mr. Leet came immediately afterwards.

D. J. WILLIAMSON.

DEPOSITION OF MR. ANDERSON.

Mr. Anderson sworn, says:

Last night after the adjournment of the Senate I met Mr. Leet in the hall of the capitol; we had some talk about the bill; I promised him then that he should have the bill that night; I took the bill to his room as has been described by the witnesses Brown and Muson, and left it there; this was about half past eight; possibly it might have been later; from that time to this Mr. Leet never asked me about the bill, and I never had any doubt about Mr. Leet having the bill either in his possession or having returned it to the Secretary, until after the motion to reconsider had been indefinitely postponed, which was about four o'clock this afternoon. When I met Mr. Leet in the hall, Mr. Leet asked me for the bill; I said, I have it not with me; he said, where is it? I said, I have it in the hands of a young man copying it, or enrolling it; then, said he, it is out of the possession of the Senate; I said, no, I am responsible for that bill, you shall have it to-night, you are stopping at the St. George, I believe; he said, no, I am stopping on Third Street; he then repeated, the bill is out of the possession of the Senate, I have it from your own lips. I think I again reiterated that it was not out of the possession of the Senate, I was responsible for it, and he should have it to-night. I have not had any one to go to Mr. Leet's room to look for it.

JAMES ANDERSON.

DEPOSITION OF CHARLES NEWELL.

Charles Newell, sworn, says:

Mr. Leet, on yesterday, asked me and James Cunningham, between five and six o'clock, to go and see Mr. Anderson and tell him to give him (Mr. Leet) that bill. I met Mr. Anderson about ten o'clock at night and told him about it, and he said he had left the bill at Mr. Leet's room. I am a Page of the Senate.

CHARLES NEWELL.

DEPOSITION OF JAMES K. CUNNINGHAM.

James K. Cunningham, being sworn, says:

I am a Paper-Folder of the Senate; I board at Mrs. Wilburn's, on Third Street, the same place at which Mr. Leet boards. Yesterday evening, about dusk, Charles Newell and myself were taking some newspapers from Mrs. Wilburn's. We met Mr. Leet in the hall, and he said to us, "I want you to go and tell Mr. Anderson to send me that railroad bill."

After we had disposed of the papers, I suggested to Charley that we had better go and look for Mr. Anderson, and he said that Mr. Anderson would be down to Mr. Leet's room with the bill. At about ten o'clock at night we met Mr. Anderson and asked him if he had been to Mr. Leet's room, and he said he had been there and left the bill on the table, as Mr. Leet was not there at the time. Mr. Leet told us to get the bill; he said he wanted us to get it as soon as we cou'd, and if he was not in to put it in an envelope and to lay the bill on the table. I told Mr. Leet this morning what Mr. Anderson had said. When I met Mr. Anderson, was under the impression he had just come from Mr. Leet's room.

J. K. CUNNINGHAM.

DEPOSITION OF S. T. LEET.

S. T. Leet, being sworn, says:

I am a Senator from Placer County. Yesterday, after giving notice of a motion to reconsider the vote by which Assembly Bill, No. 340 passed, I went to the Secretary's desk and asked Mr. Williamson for the bill, stating to him that I wished to take it to my desk to prepare some amendments. He told me he would give it to me as soon as he recorded A short time afterwards he told me that he had given it to Mr. Anderson, as he had asked him for it first. Immediately after the adjournment I went again and asked him for the bill. He told me that Mr. Anderson had not returned it, but had given it to a Clerk of the Assembly. I went into the hall of the capitol, and asked Mr. Anderson if he had the bill. He said that he had not. I asked him where it was. He said it was in the hands of a Clerk. I asked him what Clerk. He said it made no difference; that he was responsible for the bill. I said to him then the bill is out of the possession of the Senate, in violation of the rules. He said, you shall have the bill to-night, and also said, I believe you stop at the St. George. I said no, I stop on Third Street, but did not give him the name of the house. I then went and saw Mr. Beach, at the Orleans. I stated to Mr. Beach that I believed the bill to be out of the possession of the Senate in violation of the rules, and I understood it was in the hands of the Enrolling Clerk of the Assembly. Mr. Beach went with me, and we found the Clerks with it substantially as Mr. Beach states in his testimony. When we reached the room where Mr. Mason was writing, Mr. Kibbe asked the Enrolling Clerk if he had the bill. Mr. Mason said he had. I then asked Mr. Mason from whom he got He said he got it from Mr. Williamson. I asked him what he was doing with it. He said he was making a rough copy for Mr. Lovell. I stated to him that by the rules of the Senate the bill was retained there by reason of a notice I had given, and that I wanted to make some amendments to it. I then walked down home, and got my dinner about six o'clock. After dinner I went up to my room. On my way up I met Charles Newell and James Cunningham, and requested Cunningham to go and ask Mr. Anderson for the railroad bill and to bring it immediately, and if I was not at home when he brought it to put it in an envelope and lay it on the table, and placed one there for that purpose. I then went to the St. George to see a gentleman. I was gone a half or three-quarters of an hour. I returned to my room, and remained there until after eight o'clock, and the boys did not return with the bill. The reason I sent the boys for the bill was because I had not told Mr. Anderson where

my room was. Soon after eight o'clock I placed a candle and box of matches on my table. The candle was not lit when I left the room. I closed the door, and went to the Orleans in pursuit of Mr. Anderson. I met Mr. Lovell in front of the Orleans, and inquired for Mr. Anderson. He did not know where he was. I then went to Mr. Anderson's room; Mr. Anderson was not at his room. I then went back to the Orleans and then to Judge Parson's room, over the Bank Exchange, and inquired for Mr. Anderson. I then came out and met either Mr. Beach or Mr. Lovell in front of the Orleans, and asked for Mr. Anderson. He said he had not seen him. I then went up to the capitol for the purpose of examining some resolutions referring as matter to a committee of which I was a member, I examined the resolutions with Mr. Williamson, and remained there an hour or an hour and a half I then came down to the Orleans and inquired for Mr. Anderson, and went again to Judge Parsons' room, where I found Mr. Lovell, and asked him if he had seen Mr. Anderson. He said he had not. Just at this moment Judge Parsons' came out of a side door, and I asked him if he had seen Mr. Anderson. He said he had not. I told him that there had been an unpleasant difficulty between us in the Senate in regard to a local bill, and I desired to have it arranged. Several gentlemen came out of a side room; they said there had been a difficulty between two acquaintances of mine; they spoke of going down into the Union, where the difficulty occurred, which we did. As we proceeded, I had hold of Judge Parsons' arm, and met Mr. Mason, who told me that he was mistaken about Williamson having given him the bill; that it was Mr. Anderson, and he made some other remark which I did not understand, as I turned and walked along with the crowd. From this time the subject of the bill escaped my mind, by reason of the excitement growing out of the difficulty. I spent the remainder of the evening with Judge Parsons, General Denver, Mr. Theller, and several other gentlemen about the Orleans, until about twelve o'clock. I then went to the St. Nicholas Saloon with General Denver, and remained there a few minutes, and then went home to my room. When I went into my room it was dark, and there was no candle in the candlestick. I had some newspapers with me, which I laid upon the table, and retired to bed without a light. At breakfast I inquired of Cunningham if he had seen Mr. Anderson and got the bill. Mr. Brown here remarked that Mr. Anderson had been there and left the bill the night before, and asked me if I had not seen it. I then stated that I had not; that the candle was burnt out when I returned. After breakfast I went to my room and got my hat, and left without looking to see whether the bill was there or not. I have not made an examination to see whether the bill is there or not.

S. T. LEET.

An Act to enable the County of Placer to Subscribe for Stock to the Sacramento, Placer, and Nevada Railroad; to the Eastern Extension Railroad; and to assist in Constructing certain Wagon Roads therein named.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the county of Placer, shall, at its first regular meeting after the passage of this act, submit to the qualified electors of said county, a proposition for said county to subscribe for

one hundred thousand dollars of the stock of the Sacramento, Placer, and Nevada, Railroal; twenty-five thousand dollars of the stock of the Eastern Extension Railroad; twelve thousand five hundred dollars toward the construction of a Wagon Road from Secret Springs, on the divide between the Middle and North Forks of the American River, in Placer County, to Carson Vailey; and twelve thousand five hundred dollars toward the construction of a Wagon Road from Dutch Frat, in Piacer County, to Carson Valley.

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Sec. 2. It shall be the duty of said Board of Supervisors, at its first regular meeting after the passage of this act, to cause a notice to be published in each of the newspapers published in said county, stating that a proposition will be submitted to the qualified electors of said county, at a time therein named, which shall not be less than thirty days after the first publication of the same, for the said county to subscribe one hundred and fifty thousand dollars, for the purposes specified in section one of this

Sec. 3. The time fixed for said election shall not be at any general election; and said Board of Supervisors shall appoint Judges and Inspectors of the same; and it shall be conducted in all respects the same as by law general elections are conducted; and at the end of ten days after the same is held, said Boar I shall meet, and declare the result; proveled, the officers of such election shall receive no pay for such services from the

Sec. 4. The ballots cast at said election, shall have written or printed thereon, one or more of the following propositions: Subscription to the Dutch Flat Road, "Yes;" Subscription to the Secret Spring Road, "Yes;" Subscription to the Sacramento, Placer, and Nevada Railroad, "Yes;" Subscription to the Eastern Extension Railroad, "Yes;" or shall have written, or printed thereon, one or more of the following propositions: Subscription to the Dutch Flat Road, "No;" Subscription to the Secret Spring Road, "No;" Subscription to the Sacramento, Placer, and Nevada, Railroad, "No;" Subscription to the Eastern Extension Railroad, "No." In case there shall be a majority of the ballots cast at such election in favor of subscription, over those cast against subscription, upon any one or more of said propositions, then in that event, the Board of Supervisors of said county are authorized and directed to take and subscribe, for the use and benefit of said county, to the capital stock of either, or both, of said railroads, should either or both said propositions prevail at said election, the amount or amounts set forth in section one of this act, and to appropriate to the said wagon road or roads, the amount or amounts set forth and indicated in said section one, should either or both the propositions concerning the subscription to one or both said roads, be adopted.

The subscription for the stocks of said railroad companies shall be made by the President of the Board of Supervisors, upon an order made by said Board, and shall be conditioned to pay the same in the bonds of said county, and for the same, said bonds shall be received at

their par value.

Sec. 6. When said subscription shall have been made, said Board of Supervisors shall by an order, direct the President of said Board, the County Treasurer, and the County Auditor, who for that purpose shall constitute a Board of Commissioners, to issue the bonds of said county to said Railroad Companies respectively, for the amounts subscribed to the stock thereof, in sums of one thousand dollars each, which bonds shall be payable in twenty years from the date of their issuance, and shall draw

interest at the rate of eight per cent. per annum, payable semi-annually, at the office of the Treasurer of said company, at San Francisco, or at New York, at the option of the Railroad Companies respectively; and it shall be the duty of the said Board of Supervisors to provide for the payment punctually, of the interest upon all of said bonds issued under and by virtue of this act, out of the fund created as hereinafter specified; provided, that no more than fifty thousand dollars of said bonds shall be issued to the Scramento, Placer, and Nevada, Railroad Company, until the said company shall have completed and placed in traveling order, thirteen consecutive miles of said road.

Sec. 7. Upon the making of said order, said Board of Commissioners shall issue said bonds as provided in section six of this act, and said bonds shall be signed by the President of said Board of Supervisors, the County Treasurer, and County Auditor, and countersigned by the County Clerk of said county in the presence of the Commissioners; and coupons for interest shall be attached to said bonds, so that the coupons may be removed without mutilating the bond, which coupons shall be signed by the Board of Commissioners; and when any payment of interest shall be made on the bonds, the coupon representing the interest paid shall be detached from the bond and delivered to the Clerk of the Board of Supervisors, who shall cancel and file the same in his office.

Sec. 8. When said bonds shall have been executed, as provided in section six and seven, the President of the Board of Supervisors shall deliver one hundred of the same to the Sacramento, Placer, and Nevada, Railroad Company, and twenty-five of the same to the Eastern Extension Railroad Company, and take the proper receipts therefor; and the Board of Supervisors shall enter on their journal the date and amount of each bond and the place of payment thereof; provided, that the bonds shall not be issued to the Sacramento, Placer, and Nevada, Railroad Company otherwise than as specified in the proviso to section six.

Sec. 9. Upon the receipt of said bonds, the said railroad companies, respectively, shall execute and deliver to the said Commissioners, shares of stock, at par value, equal to the amount of bonds received by them, and shall indorse the same as fully paid for; and in no event shall said county or any of its officers or agents, be held to a greater liability under this act, or any law now existing, than to pay said bonds and the interest

thereon, as herein provided for.

SEC. 10. All the dividends declared by the railroad companies aforesaid on the stock owned by the county, shall be paid to the Treasurer of the county; and whenever a surplus shall have accumulated in the said fund, of five thousand dollars, and above the amount necessary to meet any payment of interest when it falls due, the Treasurer shall advertise, in a newspaper published in said county, to receive proposals for the redemption of bonds to the amount of said surplus, at a period not less than six weeks from the date of the advertisement. All proposals shall be accompanied by the bonds, and shall state the lowest amount at which the owner will allow the same to be redeemed and canceled, which shall not be above its par value, including interest due. At the time fixed in the notice, the Treasurer shall open the proposals, and shall accept of those offered at the lowest rate.

Sec. 11. Whenever any bond is redeemed, the Treasurer shall write across the same that it is canceled, giving the date of the same, and deliver it to the Clerk of the Board of Supervisors, and said Board shall enter in their journals the date, amount, and number, of the bond, and

when canceled.

Sic 19. The Chairman of the Board of Supervicers shall, under the general direction of said Board, in the name and in behalf of said county, represent and vote said stock at all meetings of the said companies, and at such meetings chail have the same rights, privileges, power, and au-

thoraty, a cother stock holders.

Size 13. The Board of Supervisors shall appoint three Commissioners to locate the said war noads and to experted the reon the appropriations therefor hereinbefore made, which Commissioners, shall once I done to the county in such assumer and for such amount, as the supervisors shall direct. If said Commissioners, or any one of them, shall needled or refuse to act, or if from any castle a vacaity shall occur, or if said Commissioners or any one of them, shall be evilty of official in conduct, or in elect of duty, and Board of supervisors are hereby empowered to remove the raine, and to supply such vacaines are may occur from time to time. And the raid bond, subscribed and appropriated as aforesaid, hall be issued in the manner prescribed by section its of this act, and delivered to the said Commissioners in such amounts, at such times, and under such directions as to the expenditure thereof as the Board of Supervisors shall direct

Sec. 14. All acts and parts of acts in conflict with this act are hereby declared of no force, in so far as they conflict with the provisions of this

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Sec. to. This act shall take effect and be in force from and after its parsage.

Mr. Lansner, Chairman of Committee on Contingent Expenses, made the following report:

Mr. Parsingst.—Your Committee on Continuent Expenses, to whom were referred certain accounts herein set forth, have expanded the same, and recommend the payment thereof, out of the Continuent Fund of the Senate.

Lor Newspare	Amount	
Standard Office	843 40	
Union Office	13 62	
Daily Herald, William Dougherty	90 10	
Alta California, William Dougherty	51 20	
Daily Telegram, William Donoberty	27 10	
Home Journal, William Dougherty	6.25	
Weekly Harald, William Dougherty	20	
Weekly Monitor, William Dougherty	1 25	
Darly Express	90 00	
Vrsalia Delta	7 50	
Trinity Journal	2 50	
Columbia Times	00	
San Joaquin Republican	72 00	
Shasta Herald	5 00	
Humboldt Times	9 00	
El Ecq del Pacifico	8 75	
	36 00	
Union Democrat	9 00	
Placer Herald	2 12	
San José Tribune	18 00	
Amador Weekly Ledger	0	

For Newspapers.		Amount.	
Placerville Observer	24	00	
Nevada National	36	00	
Santa Barbara Gazette	3	00	
National Democrat	32	00	
Mariposa Gazette	20	00	
Democratic Age	8	00	
San Andres Independent	2	00	
Northern California	24	00	
Weekly Patriot	15	00	
Sierra Citizen	22	50	
Daily Bee	4	25	
Evening Bulletin	5	75	
Mountain Democrat	54	00	
Plumas Argus	9	00	
Contra Costa Gazette	5	00	
Shasta Courier	16	00	
Sierra Democrat	9	00	
Calaveras Chronicle	20	00	
Daily California Express	72	00	
Sierra Citizen	24	00	
Total amount	\$906	89 ½	

C. J. LANSING,

Chairman.

Adopted.

Mr. Bradley asked and obtained leave to withdraw the papers in the claim of B. F. Marshall.

Mr. Sharp, offered the following resolution.

Resolved, That the Sergeant-at-Arms of the Senate, be allowed ten days after the adjournment of the Senate, to settle up the business connected with his office, and the Controller of State is hereby directed to draw his warrant on the Treasurer, payable out of the appropriation for pay of Officers and Clerks of the Senate, at the rate of ten dollars per day, for his extra per diom, hereby allowed.

Adopted.

Mr. Sharp made the following report:

Mr. President:—Your Committee on Public Expenditures, have examined the copying done for the Senate up to date, and find as follows:

Purpose.	Folios.	Per Folio.	Amount.
Journal For Printer Statistics and Statements For Printer	940 1,690	15	\$141 00 94 00 253 50 169 00
Totals	5,260		\$657 50

Examined audited, and allowed, April thirteenth, one thousand eight hundred and sixty.

SOL. A. SHARP, Chairman.

Adopted.
Mr. Denver offered the following resolution:

Resolved. That the Enrolling and Engrossing Clerks of the Senate, each be, and they are hereby, allowed, one dollar per day from the commencement of the session, out of the Contingent Fund of the Senate; and that William Smith, Assistant Enrolling Clerk of the Senate, be allowed his usual per diem out of the Contingent Fund of the Senate, for services rendered from the ninth to the twenty-fifth of February, for which he received no compensation.

Lost.

Mr. Clark offered the following resolution:

Resolved, That Z. L. Garwood be allowed twelve dollars and fifty cents for rent of committee room from the fifteenth to the thirtieth day of April, one thousand eight hundred and sixty, inclusive, payable out of the Contingent Fund of the Senate, and the Controller of State is hereby authorized and required to draw his warrant upon the treasury for that amount in favor of said Garwood, payable out of that fund.

Adopted.

Mr. Phelps offered the following resolution:

Resolved, That John Perry, Jr. and others, be and are bereby allowed to withdraw all vouchers accompanying Senate Bill, No. 161, entitled An Act to audit and allow certain Claims. Also, all vouchers accompanying the claim of Wm. Duer.

Adopted.

Mr. Denver, Chairman of Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills, have examined, and find correctly enrolled, Senate Bill, No. 297, An Act to provide for the Examination and Payment of certain Claims against the City of San Francisco, and County of San Francisco;

Also, Senate Bill, No. 321, An Act in relation to the City and County

of San Francisco;

Also, Senate Bill, No. 336, An Act to provide for paying certain equitable Claims against the State of California and to contract a Funded Debt for that purpose;

Also, Senate Bill, No. 200, An Act concerning the Board of State Prison

Directors;

Also, Senate Bill, No. 191, An Act to amend "An Act to Incorporate the City of San José," approved March sixteenth, one thousand eight

hundred and fifty-nine;

Also, Senate Bill, No. 320, An Act making Appropriations for the Support of the Government of this State for the Twelfth Fiscal Year commencing on the first day of July, A. D. one thousand eight hundred and sixty, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty-one, inclusive;

Also, Senate Bill, No. 135, An Act amendatory of an Act entitled "An Act to Repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to Consolidate the Government thereof," approved April nineteenth, A. D. one thousand eight hundred and fifty-six, and of an Act amendatory and supplementary thereof, approved April eighteenth, one thousand eight hundred and fifty-seven, and of an Act amendatory thereof, approved March twenty-eight, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 43, An Act to provide Revenue for the Support

of the Government of this State;

Also, Senate Substitute to Assembly Bill, No. 157, An Act to provide for Settling the Boundary Lines between the Counties of Sierra and

Plumas, and the Counties of Shasta and Plumas;

Also, Senate Concurrent Resolution, No. 52, Relative to State Librarian distributing to each County, etc. copies of Journals and Statutes—and have, on the twenty-eighth instant, delivered them to the Governor.

A. St. C. DENVER,

Chairman.

Report accepted.

Mr. Kirkpatrick made a verbal report, returning certain bills.

Mr. Chase made a verbal report, returning certain bills.

Mr. Anderson made a verbal report, returning certain bills.

Messrs. Parker, Merritt, Redman, and Dickinson, made verbal reports:

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,

April 30, 1860

Mr. President:—The Assembly have passed Senate Bill, No. 342, An Act relative to the Contract between the State and the late James M. Estell, for the Lease of the State Prison, with amendments, which are hereby reported.

Respectfully,

J. M. ANDERSON,

Clerk of Assembly.

CONSIDERATION OF ASSEMBLY MESSAGE.

The Senate refused to concur in the first, and concurred in the second amendment to Senate Bill, No. 342, An Act relative to the Contract between the State and the late James M. Estell, for the Lease of the State Prison

Mr. Merritt offered the following resolution:

Resolved, That the thanks of the Senate are hereby tendered to the Hon. I. N. Quinn, President of the Senate, for the able, impartial, and dignified manner with which he has presided over the Senate during the present session.

Unanimously adopted.

Mr. Parker asked and obtained leave to withdraw the papers in the

claim of D. McLarin.

Mr. Bradley asked and obtained leave to withdraw the papers in the respective claims of John Herzo and J. H. Udell.

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MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, ? Sacramento, April 30, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 281, An Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and other Acts amendatory thereto;

Also, Senate Bill, No. 190, An Act to appropriate Fifteen Thousand Dollars for the Construction of a Wagon Road through the County of

Santa Barbara;

Also, Senate Bill, No. 318. An Act to provide for the Conveyance of the Interest of Minor Heirs of W. E. Hartnell, deceased, in and to the certain

Real Estate in the County of Sacramento;

Also, Senate Bill, No. 392, An Act to amend an Act entitled "An Act authorizing the Construction of a Telegraph Line from the City of San Francisco to the City of Los Angeles," approved March eighteenth, one thousand eight hundred and fifty-eight;

Also, Senate Bill, No. 311, An Act to appropriate Money for the Pay-

ment of certain Claims;

Also, Senate Bill, No. 300, An Act to provide for the laving out and Construction of certain Public Roads in the County of San Joaquin, and to Compensate the owners of Land taken for that purpose;

Also, Senate Bill, No. 320, An Act Relative to the Board of Supervisors

of Sonoma County;
Also, Senate Bill, No. 224, An Act supplementary and additional to "An Act to Incorporate the City of Nevada," approved April nineteenth, one thousand eight hundred and fifty-six;

Also, Senate Bill, No. 327, An Act appropriating Money to complete

certain Wells on the Colorado Desert;

Also, Senate Bill, No. 199, An Act for the protection of Fisheries;

Also, Senate Bill, No. 297, An Act to provide for the Examination and Payment of certain Claims against the City of San Francisco, and the City and County of San Francisco;

Also, Senate Joint Resolution, No. 54, allowing A. J. Moulder, Superintendent of Public Instruction, five months leave of absence from the

State during the present year;

Also, Senate Bill, No. 320, An Act making appropriations for the Support of the Civil Government of this State for the Twelfth Fiscal Year, commencing on the first day of July, A. D. one thousand eight hundred and sixty, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty-one, inclusive;

Also, Senate Bill, No. 336, An Act to provide for Paying certain Claims against the State of California, and to contract a Funded Debt for that

Also, Senate Bill, No. 157, An Act to provide for settling the Boundary Lines between the Counties of Sierra and Plumas, and the Counties of

Plumas and Shasta;

Also, Senate Bill, No. 191, An Act to amend "An Act to Incorporate the City of San José," approved March sixteenth, one thousand eight hundred and fifty-nine;

Also, Senate Bill, No. 200, An Act concerning the Board of State Prison Directors;

Also, Senate Bill, No. 43, An Act to provide Revenue for the Support

of the Government of this State;

Also, Senate Bill, No. 257, An Act to pay the Fees of Attorneys in certain Cases in which the State is interested.

JOHN G. DOWNEY,

Governor.

Mr. Kirkpatrick offered the following Concurrent Resolution:

Resolved, By the Senate, the Assembly concurring, that a Joint Committee of three from each House, be appointed to wait on the Governor, and ascertain if he has any further communication to make to the Legislature.

Adopted.

The Chair appointed Messrs. Kirkpatrick, Peachy, and Crittenden, as said committee.

Mr. Parker offered the following resolution:

Resolved, That the thanks of the Senate is hereby extended to the Hon. C. J. Lansing, for the able, and impartial, and honorable manner, in which he has discharged the duties of President pro tem. during the present session, and that in parting with him at the close of his Senatorial term, we beg leave to assure him of our warm appreciation of the excellence of his public and private character.

Unanimously adopted.

Mr. Sharp offered the following resolution:

Resolved, That the thanks of the Senate are due, and are hereby tendered to the Secretary, Assistant Secretary, Minute Clerk, Enrolling Clerk, Engrossing Clerk, Sergeant at Arms, and Assistant Sergeant at Arms, for the faithful and efficient manner in which they have, at all times during the present session, discharged the duties of their respective offices.

Unanimously adopted.

FURTHER MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

Assembly Chamber, April 30, 1860.

Mr. President:—The Assembly have concurred in Senate Joint Resolution, appointing a committee of three to wait on the Governor and ascertain whether he has any further communication to make to the Legislature, and have appointed Messrs. Howe, O'Connor, and Tilton;

Also, have concurred in Senate Concurrent Resolution relative to Bill

No. 19.

J. M. ANDERSON,

Clerk of Assembly.

FURTHER MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

State of California, Executive Department, Sacrainento, April 30, 1860.

To the Honorable the Senate of California:

I have to inform your Honorable Body that I have approved Senate Bill, No. 342, An Act supplementary to, and amendatory of, an Act entitled "An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twenty-sixth March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the release of the State Prison and Convict Labor, and to provide for the Cancellation of the said Contract, and a surrender of the State Prison," etc.

JOHN G. DOWNEY,

Governor.

Mr. Denver, Chairman of Committee on Enrolled Bills, made the following report:

Mr. President:—Your Committee on Enrolled Bills, have examined and find correctly enrolled Senate Bill, No. 342, An Act supplementary and amendatory of an Act entitled "An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twenty-sixth March, one thousand eight hundred and fifty-six, between the State of California, and the late James M. Estell, for the Lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract, and the surrender of the State Prison to the State," approved April twenty-first, one thousand eight hundred and sixty, and have this day delivered the same to the Governor.

A. St. C. DENVER,

Chairman.

Accepted.

Mr. Kirkpatrick, Chairman of the Special Committee, appointed to wait upon the Governor, made a verbal report, announcing to the Senate that the Governor had no further communication to make to the Senate.

On motion of Mr. Phelps, the reading of the Journal of to-day, was

dispensed with.

At twelve o'clock, M. the hour fixed for adjournment sine die, the President delivered the following valedictory address:

Senators:—Before the final adjournment of this body, I desire to return to you my sincere acknowledgments for the sentiments expressed in the resolution of approval, which you have adopted. Flattering as they are to me as your presiding officer, they induce me to indulge in the belief, that under the rules which are laid down for my guidance, I have executed with impartiality the will of the Senate. I know that I have ever endeavored thus to do, independent of any personal or partisan feeling; and however often I may have erred, it is truly gratifying for me to know, by the support you have given me, that you are satisfied that I have performed faithfully the arduous, and oftentimes, delicate duties that have devolved upon me.

For the general good order which has been preserved, the marked res-

pect and personal kindness exhibited toward me by every member of this body, accept my warm and heartfelt thanks.

If, from the many important and execting subjects which have been agitated during the present session, any challitions of unitionally feeling have arisen, may they at this hour pass away, to be remembered no more forever.

Our action here as Secators has ceased, and will soon become a matter of history. Whatever of god or evil will result from our deliberations is now buy at loar cutted, and subject to the approval or disapproval of

our constituents and our own consciences.

It could not be expected that in the consideration and exactment of laws for the boucht of the variet and diversitied interests of the State, our action we and receive the approbation of all, but it it has resulted in the greatest good to the greatest number." then the legitimate of jects of legislation have been accomplished—providing always, that the rights

of the minority are properly regarded.

This hall, which has so any been the scene of our daily deliberations and pleasant from by result as, will so mee as shert as the chamber of death, and while we have oughter at emissives that the "grim not ster" has passed as by, are that we part at unbroken had, let us not forget that his glassly hand has been left in the other end of the capital—there is one who will return no more to his people—stricken down white in the discharge of his duties as a member of the other brackeh of fixis Lagislature—just beyond the reise and bastle of this capital city, "he sleeps the sleep that knows no waking."

The link that so long learn? as together, will seen be broken, and though we may never next again up a time share of time, the recollection of our phasants and relations, and car united sortices in be all of the State, will long repails treasure in pin, the storehouse of memory. I can did this course up assets that the ring tay shoure thanks to the efficiency of attaches of the State, one as a ail, for the assistance they have uniformly extende it mainline, as the discharge of my unites.

Wishing you a sale so in phase to be very to your horses, a warm welcome from tries is, the panell—well done, good and multiple servants—very up to saither is, in lan the real distance of horse and usefulness—line perform the astrony annulant upon me as your presiding officer: I declare this Senate adjourned sine die.

I. N. QUINN,

President of the Senate.

Attest: J. R. BEARD, Secretary of Senate.

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25 26	An act for the protection of the homestead of families. Parks An act to provide for the report and publication of the decisions of the Supreme Court. Merritt	164		
27	An act to extend the time for the collection of taxes in the county of Butte. Vance.	165	165	171
28	An act for the relief of purchasers of real estate at sales made at auction by the Public Administator. Redman	166	212	252
29	An act making appropriation for deficiencies for the eleventh fiscal year, ending the 30th day of June, 1860. Clark	164	204	272
30	An act for the relief of Joshua D. Crippen, Sheriff of Mariposa County. Merritt	164		
31	An act to appropriate money for the relief of Justus Hovey. Clark An act to exempt from taxation certain property of the Masonic	164	348	
	Hall Association. Sharp	170	170	456
33	An act to amend, and explanatory of, an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851, approved March 28th, 1859. Quinn	168		
34	An act to amend an act entitled an act concerning the collection of poll taxes, license taxes, and foreign miners' licenses, in the coun-			
	ty of Sierra, passed April 13th, 1858. Kirkpatrick	170	205	272
	An act to appropriate money to pay W. T. Barbour, Watkins,	168	275	318
36	An act supplementary to an act entitled an act granting the right of way of certain lands of this State, in the counties of San Francisco and San Mateo, approved April 28th, 1858. Phelps	168	203	318

Number	тіть є.	Introduced	Passed S n-	Passed Assembly
37	An act for the relief of the heirs of David Morgan. Phelps	168	209	
38	An act fixing the time when general laws shall take effect. Sharp	170	207	254
39	An Act authorizing the Board of Supervisors of El Dorado County	!		
	to levy a bridge foll at Brockliss' on the Sacramento and El Dora- do Wagon Road over the Sierra Nevada. Titus	174	377	
40	An act amendatory of, and supplementary to, an act entitled an act concerning the courts of justice of this State and judicial officers, passed May 19th, 1863. Sharp.	s174	204	254
41	An act for the permanent location of the scat of government at the city of Oakland. Redman	177		
49	An act to amend an act entitled an act relative to escheated estates, approved April 29th, 1856. Merritt	177		
43	An act to provide revenue for the support of the government of this State. Kirkpatrick.	177	627	
44	An act to authorize the Board of Supervisors of Santa Clara County to issue a license for a toll bridge across the Pajaro River at Mai- Paso, on the line between the counties of Santa Clara and Mon-	180	198	213
45	terey. Watson			
	An act to audit and allow the claim of Britton & Rey. Phelps	191	250	351
46	An act to provide for the disposal of the sixteenth and thirty-sixth sections of land donated to the State for school purposes by act of Congress, passed March 3d, 1853, and to appropriate the proceeds thereof to the credit of the General School Fund. Ballou.	177		·
47	An act amendatory of an act entitled an act to authorize the Treasurer of the city and county of San Francisco to execute certain deeds and cancel certain claims, approved April 26th, 1853. Sharp	191	275	519
48	An act to appropriate money to pay J. W. Lockwood. Lansing	191	250	318
49	An act to fix the compensation of the District Attorney of Napa County. Edgerton	191	245	374
50	An act for the relief of Otis Brett. Franklin	192		
51	An act to define the boundaries of Sacramento County. Me-	192		
52	An act to amend an act entitled an act concerning courts of justice of this State and judicial officers. Redman	192	209	255
53	An act to authorize the Board of Managers of the San Francisco Orphan Asylum Secrety to bind as apparentices, cherks, and ser- vants, orphan and half orphan children under their care and tui- tion. Peachy.		265	310
54		193	200	310
55	An act to give effect to patents for lands issued in the names of deceased persons. Merritt	193	209	252
56	An act to regulate the transmission of news by telegraph. Lansing	192		
57	An act to repeal an act entitled an act to provide for the appointment of a Gager for the port of San Francisco. Ballou	194		

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Number	TITLE.	! Introduc d	Passed Sen-	Passed Assembly
58	An act to provide for the construction of the State capitol in the city of Sacramento. Merritt	194		
59	An act to extend the time for the collection of taxes in the county of Tulare. Merritt	196	196	213
60	An act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851, and to repeal an act amendatory thereof, approved April 15th, 1858. Phelps	196		
61	An act amendatory of, and supplementary to, an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851. Phelps	196		
62	An act to amend an act entitled an act to reduce salaries and pay of officers and members of the Legislature. Dickinson	203		
63	An act to provide for the payment of D. O. Mills & Co. Redman	212		
64	An act to compensate the Resident Warden or Director of the State prison. Anderson	203	230	323
65	An act concerning District Court Reporters. Anderson	219		
66	An Act to prohibit the burning of bricks within certain limits of the city and county of San Francisco. Sharp	210	287	392
67	An act to authorize the courts of record of this State to admit Herbert Chilion Jones as an Attorney and Counselor-at-Law. Peachy	228	250	
68	An act to change the name of William C. Perry, to that of William C. Miller. Titus	219		
69	An act to amend an act entitled an act to provide for the issuance of patents to lands located with State school land warrants, and for lands purchased under the act of April 23d, 1858. Parks	219	488	603
70	An act supplementary to an act entitled an act to prevent the tres- passing of animals upon private property, passed March 31st, 1855. Redman	219	250	
71	An act authorizing the construction of certain wharfs at the foot of certain streets, in the city and county of San Francisco. Wheeler	219		
72	An act creating an Insane Asylum at Marysville, Yuba County, for the State of California. Wheeler	228		
73	An act amendatory of, and supplementary to, an act to grant the right to construct and maintain a bridge across the Feather River, passed April 26th, 1858. Watkins	229	335	470
74	An act to amend an act to regulate proceedings in civil cases, in the courts of justice of this State, passed April 29th, 1851. Wheeler.	229		
75	An act to authorize County Courts to change names in certain cases, and to prohibit application to the Legislature therefor. Ballou	230		
76	An act to provide for the issuance of patents to lands located with State School Land Warrants, and for lands purchased under the act of April 23d, 1858. Ryan	231		
77	An act to establish pilots and pilot regulations for Humboldt Bay, and Bar. Ryan	234	341	

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Samber	TITLE.	Introduced	ate Sen-	Fanned Assembly
78	An act to alter and define the boundary line of Yuba County. Wat-	2.3	475	
79	'An act to release the sureties on a certain bond. Merritt	394	245	254
80	An act to amend an act entitled an act concerning marks and brands, passed May 1-1, 1861. Ryan.	234		
81	An act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 21st, 1851. Sharp	223		
82	An act amendatory of, and supplementary to, an act entitled an act to authorize the funding of the floating debt of the city of San Francisco, and to provide for the payment of the same, passed May 1st, 1851. Phelps	200		
83	An act entitled an act to amend an act entitled an act concerning passengers arriving in the ports of this State, approved May 3d, 1852. Merritt	239	250	259
84	An act to amend an act entitled an act to create the county of Merced, to define its boundaries, and to provide for its organization, approved April 19th, 1855. Merritt	2:5	240	
85	An act to amend an act to prohibit gaming. Edgerton	257		
86	An act to ratify and confirm order one hundred and seventy-two of Board of Supervisors of the city and county of San Francisco.	241		
57	An act defining the powers and duties of the Board of Supervisors in certain cases. Brudley	237		
Sex	An act appropriating moneys for the benefit of San Francisco Ladies' Protection and Relief Society. Sharp	343	325	
89	An act to create the office of State Geologist, and define the duties thereof. Logan	243	367	506
90	An act providing for the payment of a judgment in favor of Trus- tum C. Gilman, against the county of Contra Costa. Merritt	244	381	382
91	An act providing for the disposition and reclamation of the swamp and overflowed lands donated to this State by the U. States. Dent.	243		
92	An Act to amend an act to regulate proceedings in civil cases, passed April 29th, 1851. Sharp	243		
93	An act to authorize the city and county of San Francisco to settle certain claims. Peachy	244	252	351
94	An Act to amend an act entitled an act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, approved April 19th, 1856. Sharp	24.5		
95	An act for opening and repairing roads in the county of Sutter.	250		
96	An act to grant to certain parties the right of constructing a road from Larkin Street to Point Lobos, in the city and county of San Francisco. Peachy	249		
97	An act to amend an act entitled an act to amend an act entitled an act concerning fraudulent conveyances, passed April 19th, 1850, approved April 9th, 1856. Edgerton	250	1	

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Number	TIPLE.	Introduced	Passed Sen-	Passed Assembly
98	An act to amend an act entitled an act concerning the courts of justice of this State, and judicial officers, approved May 19th, 1853, and an act amendatory thereof, approved April 13th, 1854. Watson	256	270	288
99	An act to amend an act entitled an act to regulate proceedings in criminal cases, approved May 1, 1851. Watson		270	
100	An act to provide for the better observance of the Sabbath. Vance	256 262	210	288
101	An act to authorize William Potter to sell certain real estate.	201	200	
102	O'Farrell	264	299	318
103	An act for the erection of a building for a State Reform School and for the regulation of the same. Parks	264	595	618
104	An act to authorize the Board of Supervisors of the county of El Dorado to take and subscribe three hundred thousand dollars to the capital stock of the Placerville and Folsom Railroad Company, and to provide for the payment of the same, and other matters relating thereto. Titus	264		
105	An act supplementary to an act amendatory of an act concerning officers, approved April 28th, 1851. Merritt	264	327	445
106	An act concerning the office of Controller. Merritt	264	}	
107	An act appropriating moneys for the benefit of the Ladies' Sea- men's Friend Society. Peachy	265		
108	An act amendatory of, and supplementary to, an act entitled an act to create Inspectors of pork, beef, and salt provisions in this State, approved April 23d, 1856. Watkins	273	385	498
109	An act to declare navigable the Arroyo de San Antonio, or Reyes Creek, Marin County. O'Farrell	277		
110	An act to provide for the annual appointment of a Joint Standing Committee on Claims. Logan	277		
	An act to authorize the Board of Supervisors of Colusa County to levy a special tax for building purposes. Logan	275	275	294
113	An act to authorize John S. Berry, Administrator of the estate of F. Bohen, deceased, to sell certain real estate in Butte County. Vance.	275	282	318
114	An act to provide for the appointment of a State Assayer of ores and metals, and to define his duties. Wheeler	275	386	432
115	An act to change the time of holding the Court of Sessions and County Court, in the county of Placer. Leet	274	274	294
116	An act concerning partition fences. Vance	274		
117	An act to provide for the payment of two hundred and fifty thou- sand dollars of the outstanding indebtedness of the State. Merritt.	273		
118	An act to amend an act entitled an act for the relief of insolvent debtors, and protection of creditors, approved May 4th, 1852. Anderson	274	593	
119	An act making appropriation for the payment of D. J. Snyder for services rendered by him. Clark	277	656	761

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Number	TITLE.	Introduced .	Provid Son-	Passed As. I
	An act amendatory of an act entitled an act to amend an act entitled an act to provide for the support of the government of the Service approved May 15th, 1854, approved April 27 in, 1855 O'Farrell	2.5	480	
121	An Act to provide for the building of a turnpike or graveled road in Santa County. Redman.	320	250	351
122	An act authorizing certain parties to construct a wharf on Petaluma Cr	251	357	
123	An act defining the rights of purchasers at sales on execution and their remedies. Eagon	253		
124	An Act to provide for the correct report and publication of the decisions of the Supreme Court. Peachy	541	325	437
125	An act enabling purchasers of real property to obtain possession of land sold on execution. Eagon	283		
126	An act to amend an act entitled an act concerning the office of Public Administrator, and making it elective, approved April 15th.	5~()	346	445
127	An act to change the name of Robert Goodwin to that of Robert Henry Wright. Ballou	281	251	
128	An act amendatory and supplemental to an act authorizing the Guardian or Guardians of certain minors to sell and dispose of their real estate and chattels real, passed April Sth, 1859. O'Farrell.	.3~()	33.1	345
129	An act to prevent illegal traffic in soda water bottles. Clark	2.0		
130	An act concerning assessments in San Joaquin County. Dent	280	365	
131	An act to change the name of Andrew Jackson Kneettle to that of Andrew Jackson Brewer. Chase	350	280	351
152	An act defining the number of Justices of the Peace, and Constables in the city and township of Placerville, in El Dorado County Titus	275	335	415
133	An act to provide for the issuance and payment of bonds for expenses incurred in the suppression of Indian hostilities in certain counties in this State. Ryan	286	461	
134	An act amendatory of, and supplementary to, an act cutitled an act concerning lawful fences. Phelps	256		
135	An act amendatory of an act entitled an act to repeal the several charters of the city of San Francisco, to establish the boundaries of the cit, and county of San Francisco, and to consolidate the government thereof, approved April 19th A. D. 1856, and of an act are said say homestary thereof, approved April 18th, 1855.	294	775	
136	An act to amend an act entitled an act to provide revenue for the support of the government of this State, approved May 15th, 1854. Phelps	204	328	
137	An act to authorize the employment of a Porter in the office of the Secretary of State. Quinn	294		
138	An act to establish a Marine Court for the city and county of San France Peachy	295		

Number	TITLE.	Introduced	Passed ate	Passed sembly.
		lord	Sen.	d As-
139	An act to amend an act to authorize the counties of the State of California to become stockholders in railroad companies, ap- proved April 16th, 1859. Redman	294	632	661
140	An act for the reclamation and sale of the swamp and overflowed lands of this State. Parks	294	514	
141	An act to authorize certain counties to retain the State's portion of the poll tax, less that portion allowed by law to be paid into the General School Fund, and the State's portion of the foreign miners' license tax, which shall be collected in the said counties, for the years one thousand eight hundred and sixty, and one thousand eight hundred and sixty, and one thousand eight hundred and sixty-one, to be applied to the construction and improvement of certain Wagon Roads over the Sierra Nevada. Titus	302	496	580
142	An act amendatory of, and supplementary to, an act entitled an act to provide for the funding and payment of the outstanding unfunded claims against the city of San Francisco, and against the county of San Francisco, as they existed prior to July 1st, A. D. 1858. Sharp.	305	684	763
143	An act for the relief of George W. Manchester. Parker	305	346	
144	An act fixing the time for holding Court of Sessions and County Court, in the county of Del Norte. Haynes	305	332	382
145	An act supplementary to an act to confer further powers upon the Board of Supervisors, and Auditor, and Treasurer, of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned, approved April 23d, 1858. Sharp	311	726	762
146	An act in relation to services rendered the State by the officers of the city and county of Sacramento. Clark	313		
147	An act to provide for the draining and reclamation of certain lands therein named, and for other purposes. Watkins	315		
148	An act empowering the Board of Supervisors of Shasta County, to allow the account of J. C. Hinckley & Company, for publishing certain delinquent Tax lists. Logan	324	394	330
149	An act to authorize the Board of Supervisors of San Joaquin County, to levy a special tax for the purpose of assisting the San Joaquin Valley District Agricultural Society. Dent	324	324	330
150	An act to amend an act to fix the time of holding the County Court, Probate Court, and Court of Sessions, of Sierra County. Kirk- patrick	324	324	330
151	An act to provide for the payment of a digest of the decisions of the Supreme Court and for the distribution of the same. Kirkpatrick	324		
152	An act authorizing the Board of Supervisors of Sierra County to levy certain taxes for county purposes for the year one thousand eight hundred and sixty. Kirkpatrick	331	331	431
153	An act to authorize the Board of Supervisors of Del Norte County to levy a special tax for county purposes. Haynes	331	331	345
154	An act to amend an act entitled an act to amend an act to provide revenue for the support of the government of this State, approved April 29th, 1857, approved April 24th, 1858. Phelps	131		
155	An act appropriating moneys for agricultural purposes. Watkins	331		

156 An act in relation to a Macadamized r	- 3 D-1		Sen	Passed Assembly
	oad. Parker	331		
An act to change the name of the town of Arcata. Ryan	of Union to that of the town	339	431	471
An act for the adjustment and final se of Del Norte County to Klamath Co	ttlement of the indebtedness	339	362	
An act to amend an act entitled an act ishments, passed April 16th, 1850.	concerning crimes and pun-	345	489	
An act to authorize the Board of Sup- audit and allow the Clerk of the Cot for services in certain cases. Logan	rt of Sessions additional pay	345	345	351
161 An act to audit and allow certain claim	s. Watson	348		
An act to authorize the Executors of t ceased, to sell real estate at public o		352	359	375
An act in relation to publications. Ph	elps	351		
164 An act amendatory of an act entitled surer of the State to issue bonds for curred in the suppression of Indian in this State, approved April 25th, 1 approved April 7th, 1859. Titus	the payment of exponses in-			
		351	711	763
An act authorizing and empowering Hi Guardian of Frank Spenser Eckert, cient deed or deeds, certain lands in	co convey, by good and suffi said county. Vance	352	378	506
An act amending an act entitled an a School Department of the city and proved 15th April, A. D. 1858. Sharp	ct to establish the Industrial county of San Francisco, ap	351	355	375
An act in relation to a sea-wall or bulkl San Francisco. Titus		352	582	651
168 An act to give immediate effect to an	ct therein named. Watkins	357	357	360
169 An act for the relief of Michael Gregor	y. Edgerton	360	378	
An act for the relief of John C. Hays, County. Watkins		360		
171 An act authorizing the Board of Super Cruz to levy a special tax for buildin		362		
172 An act for the payment of certain claim	ns. Committee on Claims	361	377	
An act declaratory of, and describing, and organizing the county of Washo	the eastern line of this State, e. Merritt	365		
An act to authorize the State Treasure evidences of indebtedness. Titus	to receive and cancel certain	370	431	600
An act to provide for the disposal of l on the public lands in Mendocino Co		365	596	
An act to fix the compensation of the teo County. Sharp		365		
An act for the relief of Benjamin F. M. veras County. Bradley		368		

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Number	TITLU.	Laholue da.	Pass d Son	Pays ed Assembly
178	An act to provide for the annexation of territory to the State of Califernia, with the consert of Corgres, and to provide for the government of the same. Chare.	371		
179	An act to audit and allow the claim of W. D. Kirk. Franklin	370		
1.0	An act to provide for the proper registration and cancelling of the evidences of indebtedness paid prior to the term of the present incumbent. Titus	370	432	600
181	An act concerning the government of the city of Marysville. Whee ler	370	371	3(4
182	An act to amend an act entitled an act to authorize Charles J. Col. line, his secretic and assigns, to fauld a what I store or, Point Colberg, in Solano County, passed April 21st, 1857. Parker	070	427	
183	An act for the relief of Henry P. Hoyt and his assigns. Parker	374		
151	An act making appropriations for deficiencies in appropriations made for one ten a it can year, ending June sten, a so. Dem	373		
185	An act relating to the time of commencing suits upon judgments and the issua, of execution thereon. Tank t	373		
186	An act to facilitate the establishment of telegraphic communication between California and the Atlantic States. Edgerton	370	708	
187	An act to authorize the county of Butte to purchase and hold two hundred thousand dollars of the first mortgage bonds of the California Northern Radical Company, and to the the bones of said company for the payment of the same, and for other purposes connected there with. Vance	500 1	410 '	400
188	An act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851. Clark.	386	1	
189	An act for the more thorough distribution of the laws of this State. Clark.	383		
190	An act to appropriate lifteen thousand dollars for the construction of a wagon road through the county of Santa Barbara. De la Guerra.	386	501	715
191	An act to amend an act to incorporate the city of San José, approved April 21st, 1859. Redman	383	583	797
192	An act to provide for the collection of delinquent taxes in the city and county of Sacramento. McDonald	383	555	565
193	An act to authorize the collection of taxes within this State. Mcr-	383		
194	An act to appropriate money for the purchase of certain city lots and a dainy for the State Insane Asymum. Titus	383	436	600
195	An act to increase the School Fund of the several counties of this State. Deat	383		
196	An act to appropriate money for the relief of destitute females in San Francisco County. Sharp	456	624	
197	An act amendatory of, and supplementary to, an act entitled an act amendatory of an act to provide revenue for the support of the government of this State, approved April 19th, 1800. Ballou	403		

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1 ~	$V_{i,j} = \{i_1, \dots, i_{j-1}, $:		
1001	An office to the Control of the Cont	11.4	7 +2	7. ,
· 1	Ambet Theorem Cambridge State Procedule Letters	1,01	75%	700
201	An act to fix the compensation of the Auditor of Napa County	1.	11-	
2003	And the transfer of the two sinst Village Control Reserve	410	4:41	\$. , , 3
	An act in relation to lobying and log-rolling. Redman	307	1.	
	Appendix and the Southern Development South	407		
205	An act to make valid and effectual, conveyances of real estate exe-			
206	An act to provide for the codification of the laws of this State.			
	An act to amend an act entitled an act concerning agricultural so-	451		
208	An act in relation to Chinese, or Mongolians, working in the mines	1.1		
209	The Martin care and the first term of the first	426		
210	the State of California. Watson	17,3	530	
	An act to provide for the preparing of a catalogue of the State Li-	\$1.7 \$1.7		
212	Control of the contro			
213	Annahara An	407		
	justice of this State, passed April 29th, 1851, approved April 15th, A. D. 1858. Leet	404		
215	An act to far the carret tion of the County Jide of Talar County. Merritt	.) 11)	546	
* T .	ma County to transcribe certain records, and to legalize the same.	411	111	
	An act to regulate the compensation of the County Surveyor of	401		
213	An act to amend an act entitled an act concerning Foreible entries and unlawful detainers. Sharp	441		
-1	Asylums in this State. De la Guerra	4.4	1).	1 17
2.	U. An act to am all all all entitled an act to provide for paying contain			

	TITLE.		: · · · · · · · · · · · · · · · · · · ·	Proced to
	to the collection of the States of Coloradis, and to constant of functional actions as a second of the Coloradist of the	4";		
	An act to audit and allow the claim of J. J. Lecount, Watkins	\$1.13	565	
))	An in the part of performance of the interest of the performance of th	٠, ,		
200	An act for the relief of the heirs of Piere Maurin, deceased. Peachy.	470	150	7(.)
331	An act to authorize Peter H. Abbersten to construct a turnpike road for the second of Nagaratic acts.	271 271		
13 5	An act to provide for the compensation of the State Registrar of the	4 - 1	707	70.3
	An act to appropriate money to pay the claim of Charles A. Clark.	4-1	603	
207	An act to authorize the Board of Supervisors of Sierra County to audit the cicharol V. Herbert and the cicharol V. Herbert and the cicharol property in a fugitive from justice. Kirkpatrick	483	453	527
327	An act amendatory of an act entitled an act to establish pilots and pilot regular, as a refinition by Parks and pilot per piece a content six. 1860. Parks	4.5	4-7	601
200	An act to authorize the sale of certain real estate by Guardians.	483	4·;	1,07
200	An act to repeal an act cutified an extraordal cry of an set to inear or the nestate A_{∞} on the $\{S,e_{i}\}$ to $\{e_{i}\}$ for as support, a proved Mov bein $\{S\}$ is approved Mov as a 1858. Regional	4. ;		
201	An act concerning official bonds of Sheriffs and Coroners. Phelps.	4~1		
22.3 2	An act to appropriate money to pay the claim of D. H. Whipley. Breakey.	157		
233	An act to establish an Eye and Ear Infirmary. Sharp	301		
231	Au act any rotation premey for the benefit of the Germ w. P. n. vo- 1 v. 8 - (y of Sin Fazze) co. on up	401	,	
22.5	In act to incorporate the town of Auburn. Anderson	500	500	
296	An act to grant the right of way and to authorize certain persons therein we sell to by deay, and action in range of these within the limits of the cify and county of San Francisco, and to run cars therein. Parker.	491	;	
	An act to authorize the Board of Supervisors, and Auditor, and Treasurer, of the city and county of San Francisco to provide for the city of the city and county of the fixed years one thousand city and county for the fixed years one thousand city hundred and tifty-nine and one thousand eight hundred and sixty. Sharp.	503	203	509
209	An act supplemental to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14th, 1853. O'Farrell.	509	1	
239	An act to authorize pilots and pilot regulations for the port of San Francisco. O'Farrell.	505		

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-	11161	<i>‡</i>		
1.10	$\begin{array}{cccccccccccccccccccccccccccccccccccc$		1,	5.44
011	An act to provide for the location of the county seat of Yolo County. Edgerton			
Site	An act to authorize and direct the Treasurer of State of California to pay over to F. J. Thibault certain audited claims. Sharp	5().}		
1, 45	An act for the payment of the claim of Shafter and Heydenfeldt. \widetilde{W}	512		
14	An act for the relief of the indigent deaf, dumb, and blind, of the State of California. Sharp	513	5-1	617
::15	An act to provide for funding the unpaid interest on the war bonds. $V^{*}=\{1,2,\ldots,1,\dots,1\}$	510		
146	Au act making an appropriation for deficiency in the appropriations ending June thirtieth, one thousand eight hundred and sixty. Bradley	518	5,50	6.7
117	An act to authorize the Board of Directors of the State Library to purchase certain newspaper files, and to provide for the payment of the same. Parker.		1	
218	An act amendatory of, and supplementary to, an act entitled an act to authorize the County of Butte to purchase and hold two huncounty for the payment of the same, and for other purposes connected therewith. Vance.	583	· · · · ·	
210	An act to provide for preparing a catalogue for the State Library, $\Gamma = \cdots = 1, \cdots, \ldots, \ldots$	202		
520	An act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State. Sharp	74.		
	An act granting further powers to the Board of Supervisors, the Auditor, and Treasurer, of the city and county of San Francisco.; Sharp.		`,,`;	5 ()
1,73	An act to fix the compensation of the County Judge of Tulare County. Merritt			107
	An act to define the time for commencing civil actions in certain			
	An act to provide for a line of telegraph from Santa Cruz to Santa Clara. Watson			
1,15	An act to enable County Judges to alternate, Logan	· 41.		
J 16	An act to procure a conveyance by John Center to the State, of certain real and personal property at and near the State prison.	557		
257	An act to pay the fees of Atterneys in certain cases in which the State is interested. McDonald	555	(*)	;{
255	An act to provide for the settlement of all claims against the State of California, arising out of, or connected with, the contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the			

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	4173.4.	Istash *	# \$\frac{1}{2}	Passed As
-	i a c of the State prison and convict labor, and to prison the conveil room of and convice, and the surrencer of the Scale prison to the Scale.	2eal		
259	An act for the survey of logs in the county of Humboldt. Ryan	5(0)	503	545
260	An act for the relief of purchasers of school and seminary lands in this State. Redman	557		
261	An act to audit and allow the claim of J. M. Warner. Watkins		601	660
203	An act arreading an act chatled an act to incorporate the town of Aubura. Apart con	581	5-1	585
200	An act to change the name of Jeremiah Gove Baker to Henry Tiffally Baker. Pholps.	5%	582	5%
264	An act to declare certain streams and sloughs navigable, in Humbold County, Lyan.	543	552	585
265	An act legalizing the assessment roll in the county of Plumas in the year one thousand eight hundred and tifty-nine. Ballou	5-2	5~3	585
200	An act to more perfectly define the dividing line between the coun-	553		
267	An act for the protection of water companies. Parker	591		
* (15	An act to amend an act contitud an et to amend an act carded an act described an act described and to amend an act amendatory threto, passed May 17th, 1853, passed May 15th, 1854. McDonald	591	501	607
200	An act to audit and allow the claim of William Duer, or his assigns. Phelps	557		
270	An act to sutherize contain particular in named to construct a dam across the Guadalupe River, in Santa Chra County. Redman.	591	501	603
271	An act to authorize the Board of Supervisors of the city and county of Sucramento to levy a special tax. Clark	591	(16)	677
()**)	An act to authorize the Courts of Record of this State to admit a cylindran bound massin learney and control school of Sharp.	5.5.)		
273	An act to authorize Joshua Chadhourne and Josiah Bacon to construct and maintain a wharf at Lakeville, in the county of Sonoma.	595	č i 5	((0
271	An act to release certain judgments. Merritt	5.3	601	67.7
27.5	An act to audit and allow the claim of Edmund Williamson & Co. Bradley	C05	667	701
270	An act granting further powers to the Board of Supervisors of Amador County. Eagon	Gus	(4 th	633
1700	An act to regulate the fees of the Clerk of the Supreme Court. Titus	GUS		
278	An act to amend an act entitled an act to amend an act entitled an act to provide for the incorporation of railroad companies, passed April 10th, 1855. Clark	005		
279	An act appropriating money to pay the claim of B. F. Hastings & Company, Assignees of John O'Meara. Bradley	605		

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281	Av. 11. (1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1		C 5	6.1
2<;		-		
283	An act in addition to an set for the relief of insolvent debtors, and the protection of creditors, passed May 4th, 1852, and to amend the same. Peachy	621		
2-1	An act granting to C. C. Hayden and others the right of laying a railroad track in certain streets in the city of Sacramento. Clark	6.1		
2.5	An act to grant the right of way, and to authorize the parties' the limits of the city and county of San Francisco. O'Farrell	0.1		
2×6	An act to authorize the Administrator of the estate of Albert Wardwell, deceased, to sell the real estate of said deceased at public or private sale. Parker	621	G.	041
257	An act for the relief of Lewis Teal, late Tax Collector in and for the city of San Francisco. Sharp	1.5		
288	An act amendatory of an act entitled an act to amend an act entitled	1) [.]	177 ,	
259	An act amendatory of an act concerning the offices of Sheriff and County Recorder of the city and county of San Francisco. Sharp!	C ₂	711	
200	An act appropriating money for the completion of a wagon road over the Sierra Nevada. Crittenden	1,25	t, s	
201	An act to create the office of State Geologist and define the duties thereof. Logan	1 15	£ 28	7 :
	An act making appropriations for deficiencies for the eleventh fisear ending June thirtieth, one thousand eight hundred and sixty L.	19 ⁷ ±		
	An act to amend an act an act to provide for the incorpora- sed April 22d, 1833, and also the Sharp	(KZ)		
2,13	An act to authorize the Secretary of State to sell certain refuse stationery belonging to the State. Clark		(*.,	
	An act to provide for the report and publication of certain decisions of the Supreme Court		7.	7,1
	An act to provide for the collection and removal of Indians in the counties of Mendocino and Humboldt. Ryan	654		
237	An act to provide for the examination and payment of certain claims against the city, and against the city and county of San Francisco		10	1 .
298	An act granting to Henry B. Tichner and his assigns, the right to			

Number	TITLE.	Introduced	a c d Sop	Passed Assembly
	 construct and new ranging relaxes, dry deck, and ship year, in the city and commercia and Francisco, Strap 	(2) (
200	As set to provide to it, soften nord disepunt texts in Colors County. Local,	663	002	703
300	An act to provide for the laying out and construction of certain public roads in the county of San Joaquin, and to compensate the owners of level taken for that paragone. Dec.	663	662	
201	An act to authorize the Board of Supervisors of the county of San Francisco to subscribe to the capital stock of the San Francisco and San José Rasson, tous paint. Teaching.	('65	(165)	685
	An act to amend an act entitled an act authorizing the construction of a telegraph line from the city of San Francisco to the city of Los Angeles. Wheeler	(46.)	1 252	(1+)
100.3	An act to authorize the Board of Supervisors of the county of San Mateo to subscribe to the capital stock of the San Francisco and San José Railroad Company. Phelps	(367)	65	655
304	An act to fix the times of the meeting of the Board of Supervisors of Del Norte County. Haynes	667	667	703
305	An act to provide recommend for the support of the government of this State, and the city and county of Sacramento. Clark	667		
306	An act supplemental to, and explanatory of, an act entitled an act to authorize the collection of State and county taxes in the county of, Marigosa, a, proved April 6.h, 1850. Mariatt	Grā.	665	703
807	An act concerning the action of libel	660 ¹	727	773
	An act amendatory of an act to define the boundary line of the State of Cultivaria, best	(66.5	1	
200	An act to authorize the Board of Supervisors of Calaveras County' to levy a special tax for the construction of a wagon road. Bradley	673	67.3	
Sid	An act to authorize the Board of Supervisors of Santa Clara County to subscribe to the capital stock of the San Francisco and San José Rancesel Company. Recessary.	676	676	748
311	An act to appropriate money for the payment of certain claims Watkins	673 (679	
312	An act to authorize the town of Auburn to take and subscribe fifty thousand dollars to the capital stock of the Sacramento, Placer, and Newton, radirond Company. Anderson	678	675	719
S 13	An act amendatory of an act entitled an act to incorporate the town of Augusta ages awas Marca den, 1860. Innerson.	678	675	719
311	An act to authorize the Board of Supervisors of the county of Nevada. Chase	683	683	
315	An act to amend an act entitled an act to incorporate the city of Santa Barbara, passed April 18th, 1980. De la Gaerat	701	702	719
316	An act to audit the claim of Caroline A. Robertson. Denver	700	703	719
317	An act supplementary to an act entitled an act to fund the debt of the county of M ri, osa and provide for the payment of the same, passed May 15th, 1551. Merriet.	706	707	747

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Number	TITLE.	Introduced	Passed Seg-	Passod Assembly
369	of San Francisco, to denate and convey a site for the institution to be creeted for the education and care of the indigent deaf, dumb, and blind, in the State of California. Peachy. An act to repeal an act entitled an act to declare Feather River navigable, approved April 25d, 1858. Vance.	751	751	763
	An act supplementary to an act entitled an act to authorize the location of the town site of Crescent City, approved February 12th, 1859. Haynes. An act concerning certain school property in the city of Sacra-	752	752	764
	mento. Clark. An act supplementary to, and amendatory of, an act entitled an act to provide for the settlement of all claims against the State arising out of, or common levil, the common new on the two secunds of Wards, on shows a levil, the common levil, the state of California, actively shape. We like the State of California, actively shape. We like the levil of the State prison action as the surrender of the State prison to the State, approved April 21st, 1860. Sharp.	703	7.03	\$19

SENATE CONCURRENT RESOLUTIONS.

SENATE CONCURRENT RESOLUTIONS.

	1	
>1. o' ⋅ F	TITLE.	
1	Concurrent Resolution relative to opening the vote cast for Governor and Lieutenant-Governor. Dickinson	
2	Concurrent Resolution relative to Committee to wait on Governor. Redman	
3	Concurrent Resolution relative to enrolling Senate Bill, No. 1. Bradley	
4	Concurrent Resolution relative to instructing our Schafors, and requesting our Representatives in Congress, to use their influence for the passage of an act creating boundaries for a new territory in Western Utah. Kirkpatrick	
5	Concurrent Resolution relative to Joint Committee to consider all papers connected with Pacific Railroad Convention. Titus	
6	Concurrent Resolution relative to election of United States Senator. Merritt	
7	Concurrent Resolution relative to Joint Committee to report joint rules. Dickinson.	
8	Concurrent Resolution relative to survey of eastern boundary line of California. Ballou	
9	Concurrent Resolution relative to Joint Convention to elect United States Senator, Dickinson	

Number	TITLE	Reported
10	Concurrent Resolution relative to appointing a committee to wait on Governor and Licutement-Governor elect. Dickinson.	\$3
11	Concurrent Resolution relative to leave of absence of Hon. Charles Fernald. De la Guerra.	33
12	Concurrent Resolution relative to printing the Governor's Message in English, terman, and Spanish. Park	102
13	Concurrent Resolution relative to princing the Governor's Message, and appointing a committee of three on part of the Senate. Anderson	115
11	Concurrent Resolution relative to election of United States Senator. Dent	116
15	Concurrent Resolution relative to the bonds of the Pacific Express Company. Phelps	110
16	Concurrent Resolution relative to printing the Governor's Message in English and Spanish. Anderson	11-3
17	Concurrent Resolution relative to joint rules and orders. Dickinson	1:, +
18	Concurrent resolution relative to granting leave of absence to Judge Sherrard of Sutter County. Watkins.	11-
19	Concurrent Resolution relative to installing Lieutenant-Governor Downey into other. Sharp	149
20	Concurrent Resolution relative to land claims of California. Peachy	
21	Concurrent Resolution relative to leave of absence to John S. Wood, County Treasurer of Napa County. Edgerton	170
5.3	Concurrent Resolution relative to a weekly mail between Tehama, in Tehama County, and Ukiah, in Mendocino County. Logan	174
131)	Concurrent Resolution relative to translating the laws into Spanish. Dent	173
21	$Concurrent \ Resolution \ relative \ to \ a \ Committee \ of \ Two \ on \ Translation. \ \ Watson$	175
(I)	Concurrent Resolution relative to a mail route from Calaveras County to Utah Territory. Bradley	175
26	Concurrent Resolution relative to the mail service. Peachy	178
27	Concurrent Re. olution relative to the Secretary of State contracting for translation into Spanish, messages and documents	
28	Concurrent Resolution relative to certain mail route in the northern portion of this State. Ryan.	191
29	Concurrent Resolution relative to a Clerk and Sergeant-at-Arms for State Prison Committee. Bradley	190
30	Concurrent Resolution relative to a fireman. Anderson.	227
31	Concurrent Resolution relative to the State Agricultural Society. Redman	220
32	Concurrent Resolution relative to printing report of State Registrar. Titus	218
35	Concurrent Resolution relative to leave of absence to S. E. Marshell, Supervisor of Tuolumne County. Franklin	297
34	Concurrent Resolution relative to meeting in Joint Convention to elect two Trustees of the Insane Asylum. Dent.	679

SENATE CONCURRENT RESOLUTIONS.

Number	TITLE	Reported
338	Concurrent Resolution relative to printing the State prison report Dickinson	231
39	Concurrent Resolution relative to proposed amendments to Constitution. Anderson.	274
40	Concurrent Resolution relative to pay of Clerk to State Capitol Committee. Bradley	415
11	Concurrent Resolution relative to pay of Sergeant-at-Arms to State Capitol Committee. Watkins.	360
4:2	Concurrent Resolution relative to adjourning sine die. Bradley	362
43	Concurrent Resolution relative to printing Governor's message in German. Kirk-patrick	488
44	Concurrent Resolution relative to the sixteenth and thirty-sixth sections of land donated to this State for school purposes. Ballou	546
46	Concurrent Resolution relative to leave of absence to the Hon. Charles Lindley. Wheeler.	545
47	Concurrent resolution relative to the establishment of a certain mail route in the northern portion of this State. Logan	503
43	Concurrent Resolution relative to extending hospitalities to the Japanese Ambassadors. De la Guerra	
49	Concurrent Resolution relative to Indian war debt. Lect	613
50	Concurrent Resolution relative to meeting in Joint Convention to elect Trustees for the State Reform School. Parks	707
52	Concurrent Resolution relative to State Librarian distributing to each member, etc. copies of journals and statutes. Parker	791
51	Concurrent Resolution relative to leave of absence to Hon. A. J. Moulder. Kirk'	750
7.2	Concurrent Resolution relative to printing the State Agricultural Society's report.	678
7.1	Concurrent Resolution relative to sending the original vouchers on the Indian war claims to our Senators and Representatives in Congress. Kirkpatrick	679

INDEX TO ASSEMBLY BILLS.

ASSEMBLY BILLS.

Number	TITLE.	Introduced	Passed As	Produce Sec
1	An act to amend an act entitled an act defining the time of com- tached, civil actions, passed April 223 1839. We specified	51		
2	An act to amend an act entitled an act concerning Attorneys and Counsciors at Lew passer Petras y 1960, 1860. Weity	11		
9	An Act concerning the County Recorder of the county of San Luis Ocispo. Henry.	11.5	193	2.,5
4	An act granting permission to poor persons to prosecute and defend actions in the courts of this State, and for the appointment of Attorneys. Starr	00		
5	An act relative to the Under Sheriff and Jail-Keeper of the County of Tuolumne. Yancey	31		
6	An act to appropriate money to furnish the Governor's office.	35	96	115
7	An act to provide for the erection of a wharf at the port of San Luis Obispo, and granting privilege of the same. Henry	35		
8	An act to amend an act entitled an act concerning roads and high- ways in certain counties therein named, approved April 22d, 1858, Henry	35	151	250
9	An act to repeal an act to alter and define the boundary line of Tehama County. Stevenson	26	,	
10	An act to amend an act to regulate the settlement of the estates of deceased persons, passed May 1st, 1851. Rogers of San Francisco	().)	203	251
11	An act to extend the time for the Sheriff of Sacramento City and County to collect the delinquent taxes for the year one thousand eight hundred and fifty-nine. Welty	28	28	•116
12	An act to amend an act entitled an act to regulate proceedings in criminal cases. Welty	31	318.	

ASSEMBLY BILLS.

2				
Number	TIFLE.	Introduced	sembly	Passed Sen-
13	An act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice in this State, passed April 29th, 1851 and to amend above which become a law March 21th, 1858, amendatory thereto; also, an act approved April 15th, 1858, amendatory thereto, and other acts amendatory thereto. Welty.	34		
14	An act to pay Mary Harrison for services rendered at the State Insane Asylum. Johnson of Amador	120	224	632
15	An act granting the privilege of running a steam ferry between Vallejo and Mare Island to Edward Logan and Thomas Thornton, their successors and assigns. Swan	120		
16	An act to amend an act entitled an act to provide for the support of the indigent sick of Yuba County, approved March 31st, 1856. Wescott	120	124	258
17	An act to grant certain parties the right of constructing a road to Point Lobos, in the city and county of San Francisco. Phelps	35	237	
18	An act to amend an act entitled an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851, approved April 15th, 1858. Pate	119		
19	An act to amend an act entitled an act to amend an act entitled an act to authorize the fundin of the floating debt of the city of San Francisco, and to provide for the payment of the same, passed May 1841, 1851, approved April Lota, 1852, wawyer	:1]	
20	An act regulating prosecutions in case of bastardy, and to provide for the support of illegitimate children. Starr	119		
21	An act to amend an act entitled an act to create the county of Merced, to define its boundaries, and to provide for its organization, approved April 19th, 1855. Jenkins	119	192	221
22	An act amendatory of, and supplementary to, the act defining the rights of husband and wife. Rogers of San Francisco	119	364	
23	An act to repeal an act relative to the time of assessing the value of real and personal property, and collecting taxes levied thereon, for State and county purposes, in the counties of Sierra and Plumas, so far as the provisions of said act relate to the county	110	****	190
	of Plumas. Hundley	119	199	150
21	An act to regulate fees of witnesses in criminal cases. Ellis An act to amend an act entitled an act to amend section twenty of	119		
	an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851, passed March 24th, 1858. Pate	119		
26	An act to extend the time for collecting taxes in the county of Contra Costa. Yager	132	159	190
27	An act explanatory of, and supplementary to, an act entitled an act to amend an act entitled an act to regulate fees in office in certain counties in this State, approved April 28th, 1859, approved April 18th, 1859. Laspeyre.	102	223	251
28	An act concerning certain acknowledgments of deeds and other instruments in writing affecting real estate. Starr	100	372	631
29	An act to amend an act entitled an act amendatory of an act entitled an act to provide for the disposal of lets in the towns and villages!			

Number	TITLE.	Int odged	Praced As a	Mar Sen
	on the public lands in Humboldt County, passed April 27th, 1855, approved — - 5d. 1856. Indison.	107	191	206
30	An act to amend an act entitled an act to provide revenue for the support of the government of this State, so far as it relates to the counties of Santa Clara and Contra Costa. Bailey of Santa Clara	137	216	
31	An act to amend an act entitled an act to provide for the sale and reclamation of the swamp and overflowed lands of this State, approved April 21st, 1858, and also to amend an act approved April 18th, 1858, entitled an act amendatory of an act to provide for the sale and reclamation of the swamp and overflowed lands of this Stare, approved April 21st, 1858. Given:	197	426	
3:3	An act to extend the time for collecting taxes in the county of Solano. Swan	138	156	190
83	An act to extend the time for the Tax Collector of Sutter County to collect the taxes in said county and make his final settlement with the Auditor. Smith of Sutter	139	162	221
	An act to provide for the organization of a company of mounted volunteers, to be employed under the direction and control of the Governor, and to appropriate money to defray the expenses of the same. Lamar	107		
95	An act to authorize the Tax Collector of Mendocino County to col- lect certain delinquent taxes and to extend the time for the col- lection of the same Lames.	155	2:7	251
36	An act to authorize John Wilson to sell certain lands in San Luis Obispo County belonging to his infant son, John Wilson. Henry.	155	17.	1/*)
37	An act amendatory of an act entitled an act for the relief (f insolvent debtors and protection of creditors, passed May 4th, 1852.	155		
	An act to provide for taking delivery bonds in cases wherein personal property has been levied upon by virtue of writs of attachment and execution. Welty	156		
39	An act authorizing the Board of Supervisors of Santa Clara County to make an annual appropriation to the Santa Clara Valley Agri- cultural Society, and legalizing an appropriation heretofore made. Williams.	159	159	201
40	Kenna, deceased, to sell the real estate of deceased at private or	159	220	251
41	An act supplemental to an act entitled an act to repeal the several acts incorporating the city of Benicia, and to provide for the government thereof, approved April 18th, 1859. Swan	1	529	. <u>(</u> ,)
42	An act to amend an act to exempt the homestcad and other property from forced sale in certain cases, passed April 21, 1851. Williams.	163	517	705
	An act to authorize the Shasta and Yreka Tampike Company to file certain papers naw protone. Lawrence	158	162	221
	An act in relation to the names of persons residing in California. Williams	162		
45	An act amendatory of an act entitled an act to amend an act enti- tled an act to provide revenue for the support of the government of this State, approved April 29th, 1857, approved February 27th, 1858. Lamar	161		

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Number	TITLE.	Introduced	Passed Assembly	Presed Sen-		
40	An act amendatory of, and supplementary to, an act passed April 29th, 1856, concerning estray animals. Goodman	161	485			
47	An act to grant A. P. Overton, and others whom he may associate with him, and their at tens, the right of Lypny a radroad track along certain streets in the city of Pesalivia. Winkins	161	658			
48	An act to provide for the payment of volumes twelve and thirteen of the reports of the Supreme Court of the State of California. Wiliams.	161	469	574		
49	An act to provide for the publication of the laws and decisions relative to the civil practice of this State, in force at the expiration of the eleventh session of the Legislature. Wilkins	161				
; _j ()	An act to amend an act entitled an act supplementary to an act entitled in a tion have put to accept at Sement, approved March 9th, 1850, approved Rebrands and 1857. But you for the dumance	162	924	251		
δι	An act to amend an act entitled an act to authorize married women to transact business in their own names as sole traders, passed April 12th, 1852. Williams	16,				
60	An act to extend an act to prevent stallions from running at large in the county of Sacramento, approved March 29th, 1859. Smith of S.	162	27:3			
53	An act to amend an act entitled an act to authorize the construction of certain wharfs, approved February 21st, 1859. Swan	162	227	251		
54	An act to extend the time for the collection of State and county taxes in the county of Sonoma. Wilkins	161	161	222		
55	An act to enable County Judges to alternate. Shelton	162				
56	An act to amend an act to regulate proceedings in civil cases, passed April 29th, 1851. Rogers of San Francisco	162				
51	An act to prohibit the sale and disposal of adulterated spiritous or alcoholae laquors, wines, or eider. Wel.y	162	400	647		
55	An act to authorize William Green and Michael Hayes, their associ- ates and assigns, to construct and keep in repair a certain street in the city and county of San Francisco, and to key and collect tolls					
	thereon. Babcock	191	200	251		
	An act for the payment of certain claims therein specified. Welty	191				
60	An act to extend the time to the Tax Collector of the county of Napa to collect the taxes in said county and make his final settle- ment with the Auditor. Coombs	191	191	220		
61	An act to appropriate money to pay R. A. Thompson and Ferris Forman for services and expenses incurred as Commissioners from the State of California to the President of the United States in the year one thousand eight hundred and fifty-six. Sawyer	196	408	522		
60	An act to prohibit gaming. Johnson of Sierra	196	305	425		
	An act to appropriate money to pay N. H. Peterson. Malarin	196				
	An act to appropriate money for the expenses incurred in the in-					
	auguration of Governor M. S. Latham and Lieutenant-Governor J. G. Downey. Johnson of Sicra	196	221	236		
65	An act amendatory of an act entitled an act for the government and protection of Indians, passed April 22d, 1850. Burson	196	469	631		

Number	TITLE.	Introduced	Pass d A-	Panel So
60	An act for the payment of the current and necessary expenses of the Pacine Radroad Convention. Rogers of San Francisco	196		
67	An act to repeal an act entitled an act for the protection of settlers, and to quiet land titles in this State, passed March 26th, 1856. Pate.	196		
65	An act concerning the organization of the militia. Schmidt	207		
69	An act to amend an act supplemental to an act entitled an act to amend in act to regulate precenting the cold entitled an act to 29th, 1851, approved February 21st, 1859, passed April 2d, 1859. Warner	207		
70	An act to enable Fernando G. F. Gallardo, son and heir of Felix G. llevile in the benefit of the heirs of said deceased. Warner	J *		
71	An act limiting the termination of proceedings of corporations in certain cases. Swan	U17		
73	An act supplementary to an act entitled an act concerning conveyances, passed April sixteenth, 1850. Sawyer	207	(j · j	7.5
73	An act to amend an act entitled an act to provide for the sale of the sixteenth and timity so with receiver of analysis 2 to 1 for section) improve the set of 0 mires, passed March 31, 1.0., approved April 20th, 1.0. Junkin	207		
74	An act to fix the compensation of the District Attorney of the county of Contra Costa. Yager	213	260	273
75	An act to provide for the better observance of the first day of the week known as the Christian Sabbath. Patten	213		
76	An act to provide for taking the census of the State of California.	216		
77	An act to amend an act entitled an act concerning the office of Secretary of State. King	1.10	(۵, ۵)	
78	An act to extend the time for the collection of taxes in Mendocino County. Lamer	216	216	47()
79	An act to amend an act entitled an act concerning crimes and pun- ashue nt., passed April 16th, 1850. Burley of South Clara	216		
80	An act fixing the compensation of the members of the Board of Supervisors of the county of Amador. Bowman	216	227	251
81	An act supplemental to an act to authorize the Boar Lof Supervior of Sutter County to construct a bridge across Feather River, approved April 11th, 1859. Smith of Sutter	216	241	2,5
83	An act to create the county of Alturas, define the boundaries, and provide for the organization thereof. Johnson of Sierra	215	411	
82	An act concerning roads and highways in the counties of Alameda, and Santa Clara. Shattuck	215	296	
81	An act to authorize the Board of Supervisors of the city and county of Sacramento, to appropriate certain moneys in the city and county treasury, and in the city treasury, to the payment of the current expenses of the city and county, and the city, for the fiscal year, ending February 20th, 1860. Starr	216	270 ;	

Number	TITEE.	Introduce!	Passed As-	Passed Sen-
85	An act to provide for the disperal of the sixteenth and time y sixtu- section of lived any decrease to force only decrease, and of Compassion of Marchall, long and toughper your dispersions of the sale thereof, to the credit of the General School Fund. Beach.	223		and the same
86	An act to grant the right to construct a bridge across the American River at its Mouth, to parties therein mentioned. Welty	223	261	370
87	An act to repeal an act entitled an act to provide for the permanent location of the Seat of Government of the State of California, at Santhactic Course of Theorem 1994, 1850, and to fix the same at the city and county of San Francisco. Maxson	222		
88	An act to provide for the publication of the general laws of the State of California in a single volume, and for the more thorough distribution of the same. Burson	223	417	
89	An act to change the name of Franklin Ralph Jones, to Franklin Ralph. Welty	223	274	
90	An act to amend an act entitled an act concerning crimes and punishments, $\mu \approx \operatorname{cd} A_1$ and $\mu \approx \operatorname{d} A_2$ and $\mu \approx \operatorname{d} A_3$ are $\mu \approx \operatorname{d} A_4$ and $\mu \approx \operatorname{d} A_4$ and $\mu \approx \operatorname{d} A_4$ are $\mu \approx \operatorname{d} A_4$ and $\mu \approx \operatorname{d} A_4$ and $\mu \approx \operatorname{d} A_4$ and $\mu \approx \operatorname{d} A_4$ are $\mu \approx \operatorname{d} A_4$ and $\mu \approx \operatorname{d} A_4$ and $\mu \approx \operatorname{d} A_4$ are $\mu \approx \operatorname{d} A_4$ and $\mu \approx \operatorname{d} A_4$	~ 200		
91	An act to appropriate money for the payment of General A. M. Winn, for military services. Welty			
99	An act to annex a portion of San Joaquin County to Stanislaus County. Walden	223	000	345
93	An act to establish and create a branch of the State Insanc Asylum at the city of Marysville. Wescott	226		
94	An act in relation to the writ of mercut, Serr,	226	628	
95	An act to create the county of Mokelumne, and to provide for its organization. Campbell	227		
96	An act to repeal an act entitled an act to amend an act to provide for the protection of foreigners, and to define their liabilities and privileges, approved April 19th, 1856, and to renew the act approved April 30th, 1855. Hugg	227		
97	An act amendatory of, and supplementary to, an act approved April 29th, 1857, to provide revenue for the support of the government of this State, from a tax to be levied and collected from foreign and inland bills and other matter. Yancey	227	556	713
98	An act to amend an act supplementary to an act entitled an act to fund the debt of Siskiyou County, approved April 29th, 1857, and amended and approved February 22d, 1858. McDermit	227	261	333
99	An act to create a State Police, and to define their powers and duties. Crowell	236		
100	An act to provide for the draining and reclamation of certain lands therein named. Gwinn	237		
101	An act to repeal an act entitled an act to authorize married women to transact business in their own names, as sole traders, passed April 12th, 1852. White.	237		
102	An act to repeal all acts, or parts of acts, amendatory of an act enti- tled an act to establish a standard of weights and measures, passed March 30th, 1850. Stone	238		
103	An act for the relief of Moses Haynes, for the apprehension of		-	
	:9sen			

\u1.161	3 T & B.	Introduced	Passod A.	Possed S no	
	Peter Lambard, charged with the murder of Thomas H. Lucas, at La Porte, Sierra County. Johnson of Sierra	207			
101	An act remerning reads and highways in the county of Nevac's Curtis.	236	2316	105	
105	An art to great the right to construct a brill corress the America. River, at some point between Front and and Seventh streets, in the city of Sacramento. Welty	5 6	551	5.6	
106	An act to amend an act, approved April 7th, 1857, entitled an act to amend an act entitled an act to amend an act entitled an act to regulate proceedings in criminal cases, passed May 1st, 1851, approved March 22d, 1856. Conn	:::) t	281		
107	An act to provide for the collection of the delinquent taxes of the city of Sacramento for the year one thousand eight hundred and fifty seven. Starr	296			
105	An act to relocate and fix the county seat of Sierra County. Haliday	241	368		
109	An act to amend an act to prevent the trespassing of animals upon private property, approved March 31st, 1855. Smith of Nevada	241	407		
	An act to grant the right to convey water in pipes to supply the people of Red Biuff. Stevenson	241	251	5.73	
111	An act amendatory of, and supplementary to, an act entitled an act to provide for the protection of foreigners, passed March 30th, 1853. White	241			
112	An act to release the sureties on a certain bond. Judiciary Committee	248	279		
113	An act to change the name of Mary Louisa Muller. Nevada Delegation	240	249	275	
114	births, divorces, and deaths, in California, approved April 26th, 1858; also, an act amendatory of, and supplementary to, an act entitled an act to provide for the registration of marriages, births, divorces, and deaths, in California, approved March 12th, 1859. Luspeyre	259	313		
	An act to protect female children under seventeen years of age.	250	346	396	
116	An act for the payment of expenses incurred in the suppression of Indian hostilities in certain counties in this State. Welty	259	455		
117	March 26th, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and county of Sacramento. Goodnan.	259	690	790	
	An act to confer further powers upon the Board of Supervisors, the Auditor, and Treasurer, of the city and county of San Francisco, and to direct them to perform certain acts therein named. Schmidt	259			
	An act appropriating money for the construction of a wagon road. Bell	259			
12	An act in relation to mining copartnerships. Hayes	25.4	57.5		

Number	TITLE.	Introduced	Passed Assembly	Breel Sa.
1::1	An act to by the terms of the County Court and Court of Session of the county of Nevada. Smith of Nevada.	250	::->	838
192	An act to smend an act entitled an act concerning the effice of County Asses ors, ps. cd March 31 t, 1850. Howe	261	320	505
123	An act to extend the time for the Collectors of the counties of Sut- ter and Napa to collect the taxes of said combies, and to make their final settlement with the Auditor. Coombs	261	261	273
124	An act to authorize J. C. Cissna to construct a breakwater and what at the port of San Luis Obispo, and providing for the same. Henry	260	1:28	685
125	An act amendatory of section one of an act concerning roads and highways, passed April 28th, 1855. Lambert	268		
126	An act amendatory of an act concerning the eighth, ninth, and fif- teenth judicial districts of this State, and the judges thereof, approved March 31st, 1857. McDermit	268	321	
197	An act to authorize Charles B. Polhemas, John Center, Robert Allen, John Perry, Jr. and W. Southwick, their associates and assigns, to construct and keep in repair a certain street in the city and county of San Francisco, and to levy and collect tolls thereon. Rogers of San Francisco.	268	579 ,	706
125	An act to amend an act to regulate proceedings in civil cases, passed April 29th, 4851. Regers of San Francisco	267	1	
129	An act to amend up act amendatory of an act concerning roads and highways, passed April 19th, 1856, and to make applicable in so far as the counties of Trinity and Butte are concerned. Lawrence	265	5.1	
130	An act for the relief of witnesses in criminal cases in the city and county of Sacramento. Goodman	264	213	
131	An act concerning roads and highways in the counties of Humboldt, Napa, and Siskiyou. Burson	979	505	315
1.50	An act to amend section two of an act entitled an act to provide for the appointment of Deputy County Treasurer, approved May 15th, 1854. Hundley	273	331	
1303	An act to separate the office of County Recorder, County Auditor, Clerk of the Board of Supervisors, and Clerk of the Board of Equalization, from the office of County Clerk in Nevada County. O'Connor	270		
1:34	An act to confirm and legalize the assessments rolls or tax lists of Calaveras County for the year one thousand eight hundred and fifty-nine, and to authorize the collection of the same. Shelton	273	320	028
135	An act to amend an act entitled an act amendatory of, and supplementary to, an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed May 15th, 1854. Rogers of San Francisco.	273		
136	An act providing for the preparation of a code of laws for this State. Johnson of Amador	278	1	
137	An act to authorize the Executrix of the estate of William Hart, deceased, to sell real estate of the testator at private sale. Sawyer	279	206	398
138	An act to amend an act entitled an act amendatory of section four of an act concerning divorces, passed March 25, 1851, approved April 1st, 1853. Rogers of San Francisco	273	321	

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1'	An action conduction, to an error probable, there is a lieu and a serior probable and a	171		
140	An act to amend an act entitled an act amendatory of, and supplementary to, an act entitled an act concerning crimes and punishments, passed April 16th, 1850, passed April 27th, 1855. Yancey.	270		
141	An act to regulate the fees of office in Sierra County. Johnson of	28.0		
143	An act to authorize Robert Haley and J. G. Oldner to construct a wharf at the foot of Third Street in the city and county of San Francisco. Schmidt	2,00		(tom
143	An act to provide for the conveyance of mining claims. Johnson of Anna	279	451	
144	An act granting leave of absence from the State to Thomas H. Hanson. Lewis.	279		
145	An act to authorize the Board of Supervisors of Siskiyou County to transfer certain funds. McDermit	550	279	30%
146	An act in relation to the Mountain Lake Water Company. Tilton	279	997	
147	An act supplementary to an act entitled an act to incorporate the city of Placerville. Conness	127	::::	
148	An act to amend an act entitled an act to amend an act to establish the Annual Control of the Annual Control o			
	Tobs, which we shall be supported to the control of	279		
149	An act to repeal an act entitled an act to establish a standard of weights and measures, passed March 30th, 1850, and the several acts amendatory thereto. Howe	285		
150	An act to amend an act entitled an act concerning conveyances, passed April 16th, 1850. Sawyer	. * *		
151	An act supplementary to an act entitled an act concerning conveyances, passed April 16th, 1850. Yager	.88		
152	An act to amend an act entitled an act to regulate the settlement of the estates of deceased persons. Geodman	255		
153	An act fixing the time of holding the Court of Sessions, and County Court, in the county of Sacramento. Starr	255	:111	
.154	An act to fix the compensation of the County Judge, and District Attorney, of Sierra County. Johnson of Sierra	1,48	1 14	
155	T. Stuart, as County Clerks of Placer County, and for other pur-	5-5	2.6	57.5
156	An act concerning the office of County Clerk of Nevada County O'Connor.	. ~~		
157	An act to provide for settling the boundary line between the counties of Sierra and Plumas. Hundley	291	316	
158	An act to extend the time for the collection of taxes in the County Plumes. Hundley	202	Mas	503

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1)	An est to amend an act entitled as a to encerning roads and high ways in the coarse of the unitary Strikespare, Planas, and Ses kiyou, passed April 19th, 1859. Goodman.	201		
160	An act to repeal an act entitled an act to provide for holding the John of the Datter Court in the Seventeenth Judicial Defend in the Court of Pluntas Stramers	291	313	397
161	An act to repeal an act entitled an act to provide for the permanent because of the scars of putter in the sound consider of this State, passed April 11th, 1850, and all amendments thereto.	292	426	
162	An act to regulate Pawnbrokers in this State, and to define their li-	305	502	
163	An act to confer further powers upon the Board of Education, and the Auditor, and Treasurer, of the city and county of San Francisco; also, amendatory of an act approved April 23d, 1858, entitled an act to confer further powers upon the Board of Supervisors, and Auditor, and County Treasurer, of the city and county of San Francisco, and to authorize them to perform certain acts therein mentioned. Theller	305	431	
	An act to repeal an act entitled an act to fix the compensation of the Tax Collector of the county of El Dorado, and his Deputies, In certain cases, and to legalize certain orders heretofore made by the Board of Supervisors of said county, and to order the payment of certain county warrants issued by the County Auditor of said county, approved March 2d, 1859. Conness	(3.2)		
	An act to define the boundary line of Yuba County. Crowell	312		
166	An act to provide for the better maintenance of the indigent sick of Calaveras County. Wilson	21:		
167	An act to amend an act entitled an act to amend an act entitled an act to regulate proceedings in criminal cases, passed May 1st, 1858, approved April 7th, 1857. Swan	313	353	
168	An act concerning partition fences. Warner	:.10		
160	An act to authorize the construction of wagon roads over mountains within the State of California by joint stock companies.	310		1
110	An act to authorize the formation of joint stock associations for savings, deposits, and discounts. Sawyer	219		
171	'An act to prevent the stealing of dogs. Babcock	320	372	429
	An act to amend article nine hundred and seven of the Practice Act as compiled in Wood's Digest. Welty	320		
	An accommensing the others of Sherid, County Clerk, County Recorder, County Treasurer, and County Assessor, and fixing their compensation in the county of El Derido. Dunlay	000	541	170
17	An act to amend section thirty-five of an act entitled an act to repeal an act pass a Normatth, roll, entitled an act to incorporate, the city of Sacramento, and the several acts amendatory thereto, and to incorporate the city and county of Sacramento, approved April 24th, 1838. Welty.	320		-
177	An act to amend an act to provide for the protection of foreigners and to define their liabilities and privileges. Hundley	320		

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Smale 1	71111	inlu	s applications	- :
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176	And the appropriate and the first of the Angle of the Ang	220	\$47	
177	Proposed amendments to the Constitution. Smith of Nevada	282		
178	An act to compensate William Greenhood for translating certain, investigation of the Franchist Committee on C	2001	40.	
179	An act supplementary to an act for the incorporation of water com- panies, approved April 201, 1838	333	595	
180	An act for the relief of Wm. H. Brown. Rogers of San Francisco.	333		
181	An act to appropriate money for the payment of a claim held by B. F. Hastings. Ellis	330	579	776
189	An act to amend an act to define the boundaries, and provide for the organization of Mendocino County, approved March 11th, 1859. Burson.	200		
183	An act to repeal the ninth chapter of an act entitled an act concern- ing corporations, approved April 22d, 1850. Johnson of Sierra	334		
151	An act to authorize the issuance of duplicates for certain lost School Land Warrants. Welty	334	44 !	6%
155	An act to provide for the correct report and publication of the decisions of the Supreme Court. Williams			
186	An act concerning the offices of Tax Collector and Treasurer of the city and county of San Francisco. Pate	501		
197	An act to create a Special School Fund, and to provide for the collection of the same. Crowell			
155	An act amendatory of an act entitled an act to amend an act to pro- $\frac{\lambda}{1}$ (see) M $_{3}$ (50), 1801, $\frac{1}{1}$ (see $\frac{\lambda}{1}$) (10), 18 $\frac{\lambda}{1}$ (110).	33.9	101	
189	An act to authorize the sale of the real estate of the late Joel Allen.	11.0	:,;	
190	An act to amend an act entitled an act to define the boundaries and provide for the organization of Mendocino County. Lamar	; 1	4.51	
191	An act to change the name of Charles Pearce to Charles Greenwich from the Transfer of the Section 1 and 1 an	5, 1,0	-407	<u> </u>
192	An act to provide for the construction of a railroad from a point on Petaluma Creek into the city of Petaluma, and for the right of way for the same. Wilkins	Sunt	617	()%)
	An act to amend an act entitled an act amendatory of, and supplementary to, an act entitled an act to regulate proceedings in criminal cases in this State, passed May 1st, 1851, passed April 22d, 1858. Rogers of San Francisco	50,0	386	
10:	An act to authorize and require the Board of Supervisors of Rierra County to an act to the state of the state	346	475	
195	An act to grant to certain parties the right of laying a railroad track along certain streets within the city and county of Sacramento.	346	505	

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Napaber	TITLE.	Introduced	Passed As- sembly	Passed Sen-
196	An act for the payment of J. Bithell. Committee on Claims	342	359	400
197	An act to authorize the Board of Supervisors of the city and county of San Francisco to convey cerean property to the State of California, and to make and issue certain bonds. Sawyer	350		
198	An act for the relief of J. W. Marshall, the discoverer of gold in California. La peyre.	35î		
199	An act to legalize certain records of the county of San Bernardino, and concerning the County Recorder of said county. Conn	357	057	
200	An act to establish the rule of evidence to be observed in the courts of this State, in certain cases concerning title to lands. Gwinn	556		
201	An act to change the time for holding municipal elections in the city and county of San Francisco, and to define the official terms of certain officers therein mentioned. Tilton	357	1	
200	An act abolishing the office of County Assessor, and establishing the office of Township Assessors in the County of Calaveras.	356	437	
203	An act to prevent the closing up of public highways where the same cross streams that become dry and fordable at any season of the year throughout the State. Goodman	356	583	705
204	An act to fix the compensation of the County Judge of Tuolumne County. Yancey	356	376	
205	An act amendatory of, and supplemental to, an act entitled an act to establish Pilots and Pilot regulations for the port of San Francisco, passed May 11th, 1854, and of the several acts amendatory thereof. Theller.	201		
206	An act amendatory of, and supplementary to, an act authorizing the Guardian or Guardians of certain minors to sell and dispose of their real estate and chattels real, approved April 8th, 1859. Welty	357		
207	An act amendatory of an act entitled an act to provide for the appointment and prescribe the duties of Guardians, passed April 19th, 1850. Burson	357	456	
208	An act authorizing Gabriel Allen, John S. Griffen, James B. Winston, and J. C. Welch, to build and construct a turnpike road from the Ex-Mission of San Fernando to the Arroyo de Santa Clara, in Los Angeles County. King	357	628	
209	An act to provide for the improvement of the navigation of the San Joaquin River. Theller	357	515	
210	An act to amend an act entitled an act to incorporate the city of Oakland, passed March 25th, 1854. Shattuck	357	357	
211	An act to authorize the Trustees of Petaluma School District to levy a tax for certain purposes. Laspeyre	363	436	
213	An act to exempt persons who are, or may hereafter become, members of a fire company from the payment of a poll tax. Welty	263	610	
213	An act to provide for recording notice of claims to private land grants in this State. Coombs	363	533	706
214	An act for the relief of W. J. Paugh, Sheriff of the county of Amador. Johnson of Amador.	363		

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215	An act to fund the debt of the county of Sonoma and provide for the payment of the same. Wilkins	366	366	120
216	An act amendatory of an act to amend an act entitled an act con- cerning the office of Secretary of State, passed May 4th, 1854, passed M ten 2 in, 1859. L. passed May 4th, 1854.	366	609	
217	An act supplementary to an act for the formation of corporations for certain purposes, approved April 14th, 1853. Lambert	366	411	
218	An act for the better protection of mining claims in this State.	:		
219	An act to establish Teachers' Institutes. Dunlap	366		
220	An act to provide for the distribution of books and pamphlets published by, and under the authority of the State, and to encourage the establishment of Public Libraries. Pate	. 101		
221	An act to provide for the payment of certain claims against the city of Sacramento, by a duplicate issue of certain bonds of said city.	1457	635	
222	An act amendatory of an act to amend an act entitled an act to amend an act providing for the permanent location of the seats of justice in the several counties, passed May 13th, 1854, passed Feb- ruary 1st, 1855. Wilkins.	,) ⁽) ,	317	
223	An act to amend an act entitled an act to regulate the estates of deceased persons, approved May 1st, 1851. Swan	10094	456	1 15
224	An act to provide for the construction of the State Capitol in the city of Sacramento. Conness	1 54	552	515
225	An act to prevent counties and the State from becoming burdened with the support of paupers, who are disqualified under the laws of the United States to become naturalized citizens. Gallagher.	366		
226	An act to authorize the American River Water and Mining Company, to extend their works to, or near the city of Sacramento, in the county of Sacramento, for the purpose of supplying the inhabitants of said county with water for irrigating, mechanical, manufacturing, and other purposes, for which the same may be required. Beach.	371		
227	An act to provide for the care of non-resident patients in the Hospitals of the city and county of San Francisco. Tilton			
225	An act fixing the salary of the Register of the State Land Office.	571	503	740
	An act to provide for the correct report and publication of the opinions of the Supreme Court. Wilkins	012		
230	An act in relation to the Indians. Warner	371		
	An act appropriating moneys for the benefit of the Home for the care of the Inebriate, in the city and county of San Francisco. Sawyer	374		
283	An act to regulate fees of office in Muriposa County. Hammond	385	537	
233	An act amendatory of, and supplementary to, an act to establish, support, and regulate common schools, and to repeal fromer acressonerming the same, approved May 34, 1856. Lambert	085	5.3	093
234	An act to authorize France Schultz Changellor Hartsen and such			

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Number	TITLE	Introduced	Passed A-sembly	Passed Sen-
	others as they may see fit to associate with themselves, to build a wharf at the foot of Main Street, in Napa City, in the county of Napa. Coombs	385	436	
285	An act to authorize the Board of Supervisors of Tehama County to levy a certain tax, and to create a Contingent Fund. Stevenson.	355	385	402
236	An act amendatory of an act entitled an act amendatory of, and supplementary to, an act to establish, r. gulate, and support, common schools, and to repeal former acts concerning the same, approved May 3d, 1855, approved March 28th, 1857. Lambert	385	!	
237	An act creating a Contingent Fund for the County of Tuolumne. Howe	392	397	409
238	An act to authorize the Board of Supervisors of the city and county of Sacramento to allow, and the Auditor to audit, a claim of Thomas C. Faris. Goodman	391	487	673
209	An act to change the names of certain persons therein named. Johnson of Amador	397		
240	An act to define the boundaries of the county of Marin. Sawyer	397	536	704
241	An act to further amend an act relating to marriages, passed April 22d, 1850. Warner.	397		
243	An act to create a Board of Water Commissioners in the county of Merced and define their duties. Jenkius	507	578	633
243	An act for the relief of purchasers of swamp and overflowed lands, school lands, and other lands, from the State of California. Welty.	400		
214	An act to regulate the care and maintenance of the indigent sick in and for the county of Yuba. Wescott	400	428	616
245	An act to change the name of Chalkly P. Lolor to Charles P. Lolor. Babcock	400		
246	An act amendatory of an act to authorize the formation of corporations for constructing plank or turnpike roads, passed May 12th, 1855. Curtis.	408 !	600	
247	An act to prohibit the sale of Chinese persons of either sex. Welty.	405		
243	An act to change the name of Edward Goetz. Shannon	407		
249	An act to legalize an order of the Board of Supervisors of the county of Santa Cruz, and all the proceedings had thereunder and dependent thereon. Halsted	407	407	
250	An act concerning the office of Assessor of Klamath County. Dag-	407	407	499
251	An act to amend an act entitled an act concerning courts of justice and judicial officers, passed May 19th, 1853. Welty	407	coo	
253	An act to amend an act entitled an act concerning roads and high- ways in the counties of Humboldt, Napa, and Siskiyou, approved February 22d, 1860, and to extend the same to the county of So- noma. Wilkins	407	407	
258	An act amendatory of an act entitled an act for the relief of purchasers of lands from the State of California, passed April 8th. 1880. Walden	407		

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207	Washing A Was a series of Massacrass Series As a reason of the Control of the Co	4		
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270	An act to fix the compensation and mileage of Treasurers in the counties of Santa Clara and Sonoma, and to regulate the time of			
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P . Va. 8. 2	11112	int educer	Passon Assembly	Passed Sea
271	An act to be be true of helpine the Consty Courses Courses Someon Succession by Seview	4-11	441	470
210	An act to amend an act entitled an act to create a Board of Super- Most in the confidence of the Supermonth to define their outless and power confidence. Note in 1914, Italian of the creek Supermonth	141	560	692
275	An act to amend an act concerning courts of justice and judicial officers, paged May 16th, 1866 Reports of San Lamersco	441		
	An act to encourage the San Josquin District Agricultural Society Tarreyre	141		
275	of San Luis Obispo. Henry	414	501	t.
276	An act to authorize certain counties to retain the State's portion of the poll tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said counties for the year one thousand eight hundred and sixty, and for the year one thousand eight hundred and sixty-one, to be applied to the construction and improvement of a wagon road from La Porte to Jamison City. Johnson of Sierra.	47.9		
277	An notice record on set of the dampet its meaning the simple \mathcal{C}' for have consider least west of Fort Yu. 1, where Y_{ij} is the Y_{ij} such that	4.55		
275	An act for the relief of Joseph Summers, and to authorize the Trustees of Benicia to pay him his claim against the late city of Benicia. Swan.	450	200	
5.10	An act to change the name of Moses C. Philipowski to that of Moses C. Philips. McDermit	1.5.0		
	An act to amend an act entitled an act concerning the office of Sur-	452	610	
281	An act supplemental to an act entitled an act to provide revenue, for the support of the government of this State, approved April 29th, 1859. Shattuck	452	518	
583	An act to amend an act passed May 4th, 1852, entitled an act for the relief of insolvent debtors, and protection of creditors. Starr.	452	691	
283	An act to authorize the Board of Trustees of the city of Sonora to levy a special tax for the benefit of the Fire Department. Bailey of Fuolumne.	42.5	538	000
:284	An act to provide against fraud in the collection of debts. Bailey of Tuolumne	452		
582	An act amendatory of an act to provide for the incorporation of rail- rest companies, approved April 22d, 1858. Williams	452		
286	An act to abate public nuisances. Harville	452	776	
257	An act to repeal an act extending the privileges of the homestead law to certain persons, and to regulate the creation of the same, passed at the eleventh session. Williams	452	637	
288	An act to amend an act entitled an act to provide for the incorpora- tion of railroad companies. Lawrence.	452	,	
289	An act relating to the sureties upon the official bonds of S. A. McMeans, late State Treasurer. Williams	467	537	

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Vumber	TILLE	Introduced	Panard As-	Passed Sett
	An act concerning a free foot-bridge across the Mokelumne River, at some point between the towns of Lancha Plana and Poverty Bar. Johnson of Amador.	468		
291	An act to provide for the settlement of all claims against the State of California arising out of, or connected with, the contract made on the tauth, the state of the state of the State and the late James M. Estell, for the lease of the State prison and convict labor, and to procure the cancellation of said contract and the surrender of the State prison to the State. State Prison Committee.	471	682	
292	An act to change the time of holding the District Court within the Third Judicial District. Williams	470	485	498
293	An act amendatory and supplementary to, an act entitled an act to repeal the several charters of the city and county of San Francisco, to establish the boundaries of the city and county of San Francisco, and to consolidate the government thereof, approved April 19th, 1856, and the several acts amendatory thereof. Theller	473		
294	An act to abolish the office of Quartermaster-General. Bailey of Tuolumne	475		
295	An act to allow the claim of Daniel McLaren. King	474	655	
206	An act to change the name of Irvin Blanco to that of Yves le Blanco. Haliday.	47.1	558	
207	An act to amend an act concerning hogs running at large in certain treatment, passed April 1111, 1856. Mail time	474	694	
298	An act conferring further powers on the Board of Supervisors of the city and county of San Francisco. Babcock	174	536	
299	An act concerning taxes in Monterey County. Malarin	471	569	
300	An act to incorporate the city of Los Angeles. Warner	4733	450	725
301	An act to appropriate money for the relief of destitute females in San Francisco. Conness	470		
302	An act to amend an act entitled an act for the protection of game, passed May 13th, 1851. Conness	473		
17()11	Lake County. Gwinn	4×3		
	An act to regulate the salary of the County Judge of Mariposa County. Hammond	482	575	781
	An act to amend an act called a new to precide revenue for the support of the government of this State, approved April 29th, 1857. Welty.	17.3		
	3 An act to define and establish the boundary line of Stanislaus County. Walden			
30	7 An act for the payment of expenses incurred in the suppression of Indian hostilities in the county of Mendocino, in this State. Lamar	482	572	682
30	An act to provide for writs of assistance. Welty	482		
	An act to amend an act entitled an act concerning roads and high-			

Number	TITLE.	Introduc d	Passed Assembly	Passed Sen-	
	ways, in the counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, approved April 19th, 1888. Barley of Tuolumne	500			
310	An act to amend an act entitled an act to amend an act entitled an act to provide revenue for the support of the government of this State, approved February 27th, 1858. Johnson of Sierra	500			
3.1	An act to amend an act concerning courts of justice and judicial officers, passed May 19th, 1853. Rogers of san Prancisco	500	579		
312	An act supplementary to an act entitled an act for the protection of game, passed May 15th, 1854. King	500	G02		
313	An act to authorize R. P. Andrews, the Administratrix of the estate of John Andrews, deceased, to sell the real estate of said deceased at private sale. Gallagher	501	521	554	
314	An act to change the name of Francis S. Park, to Francis Sylvester. Malarin	501	,		
315	An act to extend the provisions of an act entitled an act to change the time of holding the courts in Yolo County, approved February 20th, 1857. Walden	501	578		
316	An act concerning the office of Public Administrator in Solano County. Swan	501	578		
317	An act to amend an act entitled an act to regulate the settlement of the estates of deceased persons, passed May 1st, 1857. Goodman.	500	578		
318	An act to provide for the election of a Board of Supervisors in the county of El Denade, and to define men powers and duties, and to provide for their compensation. Conness	500	650		
319	An act to authorize the sale of certain real estate by Guardians	500	571	503	
320	An act concerning the officers of Placer County, and the collection of poll taxe, license taxes, and foreign miners' license taxes, in said county. Makins	500			
991	An act to authorize José de Jesus Pico, to sell certain lands in San Luis Obispo County, belonging to his infant children. Henry	500	579	632	
300	An act to authorize Daniel Sink and his associates to construct a turnpike road. Lamar	500	536	687	
223	An act to change the manner of collecting foreigh miners' tax in the county of El Dorado. Patten	500			
824	An act to provide for the survey and segregation of the swamp and overflowed lands donated to the State under the act of Congress of September 28th, 1850, entitled an act to enable the State of Arkansas and other States to reclaim the swamp land within their limits. Conness	500 ¹	1		
325	An act to enable the State of California to accept the swamp and overflowed land within her limits in accordance with the provisions of an act of Congress entitled an act to enable the State of Arkansa and other States to reclaim the swamp and overflowed land within her limits, approved 28th September, 1850. Gwinn	500			
326	An act for the relief of Peter H. Burnett. Williams	509	594	781	
327	An act amendatory of an act defining the legal distances from each county seat to the capitol, Lunatic asylum, and State prison, approved April 24th, 1858. Smith of Sutter.		000		
	proved April 24th, 1858. Smith of Sutter	511	619		

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925	An actional algorithm to the articles and the first section of Jacksmann Cl Sharka	511	
820	An extragangalistes and to said the reference comments	5:1	
330	An act to amend an act amendatory of, an act entitled an act author-		
	penses incurred in the suppression of Indian hostifities in certain 7th, 1859. Lamar	5,41	
	70, 1809. Lamar		
331	An act amendatory of an act entitled an act concerning roads and highways in the counties of Tuolumne, San Joaquin, Flumas, and Siskiyou. O'Rear		
332	An act to provide for the duplicate issue of certificates of lands pur-		
	chased from this State in all cases where the originals have been lost or case the decided and the chase of t	7-11	675
333	An act to appropriate money for the payment of small accounts due		
000	from the Insane Asylum. Laspeyre	51.14	615
334	An act to provide for the disposal of lots in the towns and villages on the public lands in Mendocino County. Lamar	520	270
235	An act to declare certain rivers within the county of Mendocino	500	
	and the Seaton of Colifornia		
336	An act to authorize the Surveyor-General of the State of California to run out and mark the boundary lines between the territories of the United States and the State of California. Hundley	5.35	
537	An act to create the office of State Marshal, define the duties, and fix the compensation thereof. Crowell	575	
338	An act to incorporate the city of Santa Barbara. Covarrubias)	619
339	An est to regulate fees in office in the county of Yuba. Wescott	2.44	7.00
340	An act to enable the county of Placer to subscribe for stock to the Sacramento, Placer, and Nevada, Railroad. Lovell	714	777
341	An act concerning the payment of poll-taxes. Warner		
342	elected. Kungle	382	
343	An act to define the boundary lines of the county of Amador. Johnson of Amador.		
	An act to create the county of Marshall, define its boundaries, and provide for the organization and government thereof. Stone.	587	
31*	An act to amend the fifth section of an act to provide revenue for the support of the government of this State, passed April 29th, 1877. Green in	541	
240	to the Same and the Newada	541	
341	An act to define the time for commencing certain actions. Heston	5-11	
248	and an arm and a property believed		
	Loder. Maxeon	511	

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Number	тээсн.	Introduced	Passed As- scools	Passed S.n.
349	An act to amend an act entitled an act to prevent stallions from running at large in the county of Sacramento. Heston	541	511	
350	An act to provide for the compensation of the Keeper of the county idl in the county of Total and I you had been and fifty-eight. Lawrence.	541	541	
351	An act making appropriations for deficiencies for the eleventh fis- cal year ending thirtieth June, one thousand eight hundred and sixty. Lamar.	543	549	
352	An act to provide for the payment of the expenses of the State	557		
353	An act to provide for making compensation to John F. McCauley for the personal property taken and appropriated to public use.	557		
354	An act to authorize John F. McCaulcy and Lloyd Tevis to sue the State of California. Williams	557		
*1.).)	An act to provide for the pay of troops called out by the Governor of the State to quell insurrection in the year one thousand eight hundred and fifty-six. Sawyer	558	723	
956	An act to extend the time for collecting taxes in the county of Nevada. Curtis	553	558	
357	An act to authorize the Guardian of certain minors to sell their real estate. Gwinn	557	557	
558	An act to provide for the payment of bounties for the destruction of wild animals. Handley.	558		
359	An act to provide for a survey of the harbor of San Francisco.	558		
360	An act to incorporate District Agricultural Societies, and to repeal an act to incorporate the State Agricultural Society, passed May 13th, 1854. Laspeyre	558		
361	An act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 29th, 1851. Sawyer.	560	629	
362	An act to provide for the care of inchriates. Burson	558		
	An act supplementary to an act entitled an act to confer further powers upon the Board of Education, Auditor, and Treasurer, of the city and county of San Francisco, approved March 15th, 1860. Rogers of San Francisco.	567	628	647
364	An act to exempt certain classes of persons from paying tolls on bridges, roads, and ferries, in this State. Goodman	568	628	
365	An act amendatory of an act concerning the office of County Clerk, Sheriff, and County Recorder, in the city and county of San Francisco, approved March 7th, 1859. Tilton	568	627	756
366	An act appropriating money for the relief of the Roman Catholic Orphan Asylum. King	568		
367	An act to enable the county of Shasta to construct a road across the Whisky Creek Divide. White	563		

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Number	TITLE.	Introduced.	Passed As sendly	Presed Sen- ate
368	An act to repeal an act to amend an act entitled an act to regulate proceedings in civil cases in the courts of justice of this State, passed April 20th, 1851, and appropriate April 15th, 1858 and appropriate the several sections which that act amended. Starr	568		
369	An act amendatory of an act concerning Notaries Public, passed April 30th, 1857, and amended and approved March 16th, 1859, McDermit	568	651	
370	An act to change the name of Owen Owens. Dunlap	568		
371	An act to authorize the Board of Supervisors of the city and county, of San Francisco, and the Auditor to audit, and the Treasurer to allow and pay the claims of certain persons therein mentioned. Babcock.	568	577	616
372	An act to repeal an act for the government of the State prison convicts, and to provide for the location of a branch prison, approved April 24th, 1858. Laspeyre	503		
373	An act to authorize the Tax Collector of Men being County to re- ceive county warrants issued after the date of the approval of this act in payment of county taxes. Lamar	568	568	
374	An act to amend act of April 28th, 1855, concerning public ferries and toll-bridges, and all acts amendatory of, and supplementary thereto. Johnson of Amador	568		
375	An act to further define the jurisdiction of Justices of the Peace, Johnson of Amador	563		
376	An act supplemental to an act entitled an act concerning conveyances, passed April 10th, 1850. Sawyer	567		
377	An act concerning primary elections. Sawyer	567		
378	An act to authorize the Administrator of the estate of Charles White, deceased, to sell and convey real estate. Wilnams	567	567	603
079	An act concerning allens. Sawyer	567	601	
380	An act to provide for the opening of a channel across the bar at the mouth of San Antonio Creek. Shattuck	567	567	603
381	An act concerning the infant heirs of Bernardo Yorba, deceased. King.	568	603	
382	An act to amend an act amendatory of an act entitled an act to amend an act entitled an act restricting the herding of sheep to certain pastures, in the counties of Sonoma and Marin, approved April 15th, 1858, approved March 16th, 1859. Lamar	567	637	756
383	An act concerning the salary of the Judge of the Twelfth District Court. Sawyer	507	628	
384	An act for the election of Justices of the Peace in and for the city and county of San Francisco. Sawyer	567	i	
333	An act concerning goats found running at large in the county of Sacramento. Welty	568		
386	An act to authorize the Treasurers of certain counties of this State to retain one-half of the State's portion of the taxes collected in those counties, for purposes of internal improvement. Williams.	567		

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Number	TITLE.	Introduced	Passed Assembly	Passed Sen-
387	An act to grant the right to construct a bridge across Middle Eel River, Mendocino County, at, or near, the crossing of the Weaver- ville trail, to certain parties therein named. Burson	567	658	
388	An act to repeal all acts and parts of acts amendatory of, or supplementary to, an act entitled an act to establish a standard of weights and measures, passed March 30th, 1850. Stone.	576		
389	An act to legalize the duplicate assessment list of Los Angeles County. King.	576	576	632
390	An act to authorize the Board of Supervisors of Contra Costa County to appropriate money to the use of the Contra Costa County Agricultural Society. Yager	576	576	
391	An act to authorize the funding the outstanding debt of the county of Los Angeles, and to provide for the payment of the same.	576		
392	An ac: to authorize C. E. McNair and John B. Cooper to construct wharfs at the foot of Union and Lombard streets, in the city and county of San Francisco. Babcock	576		
393	An act authorizing the levy of a special tax in the county of Los Angeles. King	576	634	
394	An act to amend an act creating a Board of Commissioners, and the office of Overseer in each township of the several counties of this State, to regulate water-courses within their respective limits, passed May 15th, 1854. Stevenson	576	617	
395	An act to anthorize and require the Tax Collector of the county of Marin to receive warrants and scrip issued for county indebtedness of said county in payment for taxes levied for county purposes. Lewis	583	583	
396	An act to incorporate the town of La Porte. Johnson of Sierra	583	583	
397	An act to legalize the acts of the Public Administrator of the county of Yolo. Gwinn	605	605	
398	An act to improve the navigation of the San Joaquin River. Campbell	605		
399	An act to authorize the Board of Supervisors of the city and county of San Francisco to pay certain claims. Tilton	605	641	
400	An act to provide for the survey and improvement of the harbor of Sun Francisco. Williams	604		
401	An act to provide for the better collection of foreign miners' licenses. Johnson of Amador	604	687	
402	An act to authorize the Guardians of Alice Marsh to sell personal property at private sale. Yager	605	605	633
400	An act to amend an act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, passed April 21st, 1855. Laspeyre	601		
404	An act granting apppeals from the Board of Supervisors to the County Court in Contra Costa County. Yager	604	776	799
405	An act for the relief of certain persons therein named. Wilkins	604		
406	An act to amend an act concerning roads and highways in certain counties therein named, approved April 22d, 1860. Yager	605	696	756

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OF	TITLE.	ntroduced	ed As-	ate
423	An act for the relief of John F. Carey, Treasurer of Klamath County. Daggett	625	801	
404	An act to amend an act concerning the courts of justice of this State and judicial officers, passed May 19th, 1853. Tilton	625		
425	An act to define and regulate the relation between landlord and ten- ant. Bailey of Tuolumne	624		
426	An act to amend an act entitled an act to provide revenue for the support of the government of this State, and the several acts amendatory and supplementary thereto. Bailey of Tuolumne	624		
427	An act to change the name of Henry Auguste Murrey to Guy Lewis Murrey. Wescott	645		
438	An act to extend the time for collecting taxes in the county of Santa Cruz. Halsted	625	625	
400	An act making appropriation for deficiency in appropriation made for clerk hire in Attorney-General's office for the eleventh fiscal year. Gwinn	633	693	648
430	An act to amend an act entitled an act to fix the compensation of certain officers in the counties of San Joaquin and Alameda, approved April 6th, 1858. Laspeyre	633	633	
431	An act concerning apprentices and servants. Williams	633	633	
439	An act concerning District Court Reporters for the fourth, sixth, and twelfth judicial districts. Sawyer	633		
433	An act prescribing the mode of appointing Auctioneers and defining their duties. Johnson of Sierra	638		
404	An act supplemental to an act entitled an act to provide for the formation of corporations for certain purposes, passed April 14th, 1853. Gwinn	639		
405	An act to authorize the Board of Supervisors of Napa County to levy a special tax for certain purposes. Coombs	638	638	
436	An act authorizing the counties of Klamath and Del Norte to retain the State's portion of the poll-tax, less that portion authorized by law to be paid into the General School Fund, and the State's portion of the foreign miners' license tax which shall be collected in said counties for the years one thousand eight hundred and sixty and one thousand eight hundred and sixty-one, to be applied to the construction and improvement of roads and highways in said counties. Daggett	649		
437	An act for the better protection of laborers, mechanics, and other workmen. Johnson of Amador	650	669	
438	An act appropriating money for the payment of the copying of the Legislature during the eleventh session. McDermit	650	650	672
439	An act to declare the Green Valley Creck, in the county of Solano, a navigable stream. Swan	649	650	
440	An act to amend an act entitled an act to annex a portion of San Joaquin County to Stanislaus County, approved February 17th, A. D. 1860. Walden	649	649	673
441	An act to authorize John J. Tomlinson and associates to build a wharf at the port of San Pedro, in the county of Los Angeles.	649	649	799

ASSEMBLY FILLS

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450	and Probate Court, for the county of Mendocino.	676	60.9	
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	theret Suchh b	675	620	711

Number	TITLE.	Introduced	Passed Assembly	Passed Sen-
400	An set to amond an act to regulate the settlement of the estates of deceased persons, passed May 1et, 1851. Williams	676		
461	An act to exempt certain property from taxation. Williams	676	676	
489	An act recommending to the electors of the State, to vote for, or against a convention to revise and change the Constitution of the State. Burson	676		
463	An act to grant the right to construct a bridge across South Ecl. River, Mendocino County, to certain parties therein named. Maxson	676	676	
461	An act to authorize the Board of Supervisors of San Mateo County to levy a special tax for road purposes. Maxson	676	676	741
465	An act concerning the Independent Order of Knighthood. Johnson of Amador	676	676	
466	An act to provide for the construction of a McAdamized Road within the limits of the city and county of San Francisco. Tilton	676	718	
467	An act to fix the compensation of the County Judge of Contra Costa County. Yager	677	677	125
4115	An act to repeal an act approved March 22d, 1860, concerning Inspectors of beet, pork, and salt provisions. Stone	677		
460	An act concerning publications in Yolo County. Gwinn	677	677	
470	An act for the construction and improvement of a wagon road leading from Lake City to Utah Territory, called the Henness Pass route. Hayes.	677	1	
471	An act to provide for the inspection of flour. O'Connor	677		
470	An act concerning roads and highways in the county of Placer, Reach	676	676	: 11
473	An act concerning the office of District Attorney in the county of Los Angeles. Maxson.	670		
474	An act to authorize the Commissioners of the funded debt of the county of Contra Costa to reissue certain coupons of the bonds of said county to Jesse N. Bowles. Yager	677	677	756
475	An act in relation to a special tax for road purposes, in the county of Amador. Johnson of Amador	676	784	
476	An act to extend the provisions of an act approved April 7th, 1857, entitled an act to amend an act entitled an act to amend an act to regulate proceedings in criminal cases, passed May 1st, 1851, approved March 22d, 1856. Conn.	677	677	
477	An act to amend Section 219, of the act of April 29th, 1851, to regulate proceedings in civil cases. Johnson of Amador	676		
478	An act supplementary to an act entitled an act to amend the act to regulate the settlement of the estates of deceased persons, passed February 7th, 1860. Rogers of San Francisco	677	677	
479	An act to pay the claim of H. C. Kibbe. Welty	676	780	799
480	An act to prohibit the carrying of deadly weapons concealed. Welty	676		
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491	An act to appropriate money to parties therein named. Committee on Claim. Seven-on,	681	779	
443	An act for the payment of certain claims and deficiencies. Com- mittee on Claims	681	650	740
4-13	An act making an appropriation for deficiency in the appropriation made for printing, paper, and official advertisements, for the cleventh liveal year. Lamar	67-3		76414
494	An act for the relief of John R. Houk. Lawrence	1,,11		
485	An act to authorize and require the State Treasurer to issue war bonds for the relief of J. S. P. Bass & Co. White	694	Col	Lik.
486	An act to provide for the payment of A. J. F. Phelan. Committee on Casins	717		7(6)
487	An act appropriating money to pay the claim of J. S. Love. Committee on Claims	717	775	790
488	An act to provide for the purchase of a burial place for the use of this State, and for other purposes therein specified. Conness	731	720	- 10 i
449	An act to regulate fees in criminal cases in the county of Yolo.	7.3	722	
490	An act to appropriate money for the payment of D. H. Whipley, Committee on Claims	739	710	770
491	An act concerning School District Number Four, of Suisun Town- ship, in the county of Solano. Swan	754	104	
492	An act amendatory of an act passed April 24th, 1853, entitled an act to repeal an act passed March 26th, 1851, entitled an act to incorporate the city of Sacramento, and the several acts amendatory and supplementary thereto, and to incorporate the city and coun			
	ty of Sacramento. Ellis	769	7.70	
493	An act declaring the streets and alleys in the town of Red Bluff public in hwar-	778	775	
194	An act making appropriation for deficiencies for the eleventh fiscal year ending the thirtieth day of June, one thousand eight hundred and sixty. Daggett	783	753	6. ju
40%	An act concerning weights and measures in the county of Amador. Johnson et Amador.	749		

ASSEMBLY CONCURRENT RESOLUTIONS.

Number	TITLE	Reported
1	Concurrent Resolution relative to Pacific Railroad Convention. Rogers of San Francisco	27
2	Concurrent Resolution relative to granting leave of absence to W. W. Porter. Shelton	29
3	Concurrent Resolution relative to Joint Convention for election of United States Senator. Lamar	23
4	Concurrent Resolution relative to granting leave of absence to C. E. Wilcoxon. Smith of Sutter	33
5	Concurrent Resolution relative to appointment of committee to prepare for the inaugural ceremonics. Welty	37
6	Concurrent Resolution relative to the votes cast at the general election of one thousand eight hundred and fifty-nine either for or against the calling of a convention to revise the Constitution. Kungle	26
î	Concurrent Resolution relative to swamp and overflowed lands. Gwinn	56
8	Concurrent Resolution relative to County Clerk of Siskiyou County. McDermit	36
9	Concurrent Resolution relative to joint convention to receive the oath of office of Governor and Licutenant-Governor elect. Wilkins	38
10	Concurrent resolution relative to granting leave of absence to Judge Creanor. Bailey of Tuolumne	38
11	Concurrent Resolution relative to granting leave of absence to Judge McKinstry.	38
12	Concurrent Resolution relative to employment of fireman. Shelton	39
	Concurrent Resolution relative to establishment of weekly mail from San Juan to	()1)
	Los Angeles. Henry	116
14	Concurrent Resolution relative to joint convention on translation of laws. Covar- rubias	116
15	Concurrent Resolution relative to joint committee to investigate the State prison management. Bailey of Tuolumne	117
16	Concurrent Resolution relative to joint convention on amendments to Constitution. Johnson of Amador	136
17	Concurrent Resolution relative to daily overland mail. Welty	136
18	Concurrent Resolution relative to segregation of the southern portion of the State. Rogers of San Francisco	155
19	Concurrent Resolution relative to printing Governor's message in German. Johnson of Sierra	157
20	Concurrent Resolution relative to joint committee on judiciary. Williams	204
31	Concurrent Resolution relative to printing documents in relation to the division of the State. Warner.	189
23	Concurrent Resolution relative to printing Quartermaster-General's report. Welty	188
23	Concurrent resolution relative to printing in the Spanish language the reports of the Superintendent of Public Instruction, State Controller, and State Treasurer. Malarin	195

Number	TITLE.	Reported
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24	Concurrent Resolution relative to printing proceedings of Pacific Railroad Convention. Rogers of San Francisco.	
25	Concurrent Resolution relative to joint committee on Constitution. Conness	195
26	Concurrent Resolution relative to enrolling Assembly Bill, No. 22. Theller	205
07	Concurrent Resolution relative to State Librarian. Shannon	200
28	Concurrent Resolution relative to Pacific Railroad Convention. Rogers of San Francisco	204
50	Concurrent Resolution relative to asking Congress for the formation of new land district. Wilkins	:504
(0)	Concurrent Resolution relative to Sunday mails. Johnson of Amador	205
31	Concurrent Resolution relative to New Almaden Mines. Williams	211
33	Concurrent Resolution relative to joint convention to take into consideration the expenses of the inauguration of Ex-Governor Latham. Fairchild	211
33	Concurrent Resolution relative to fireman. Gwinn	230
::4	Concurrent Resol dier relative to a duly mail in the northern portion of this State.	220
(,,)	Concare at R. obtion relative to a until route from Sonors to Monrocville. Bailey of Tuotanase.	205
36	Concurrent Resolution relative to seat of government. Shattuck	225
37	Concurrent Resolution relative to the public lands. Lambert	240
114	Concurrent Resolution relative to taking the census of the State. Lamar	240
39	Concurrent Resolution relative to claims against Mexico. Warner	370
40	Concurrent Resolution relative to asking the General Government for arms. Laspeyer	250
41	Concurrent Resolution relative to reorganizing the counties of this State. Johnson of Surra	250
42	Concurrent Resolution relative to extending the pre-emption privilege. Lamar	250
43	Concurrent Resolution relative to amendments to Constitution. Smith of Nevada	262
41	Concernent Resolution relative to a mail route between Stockton and Mariposa. Hammond	363
45	Concurrent Resolution relative to increase of Committee on Constitutional Amend- ments. Hundley.	
41;	Concurrent Resolution relative to until route between Oroville and Quincey. Hundley	277
37	Concurrent Resolution relative to donating public lands to actual settlers. Welty.	278
44	Concurrent Resolution relative to printing report of State Registrar. Howe	304
-561	Concurrent Resolution relative to leave of absence to Thomas H. Hanson. Lewis.	279
(iv)	Concurrent Resolution relative to fraudulent land grants. Gwinn	319
51	Concurrent Resolution relative to Indian difficulties in Mendocino County. Lamar.	327

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52	Concurrent Resolution relative to donation of portions of Utah and New Mexico. Johnson of Amador	
53	Concurrent Resolution relative to Nevada Territory. Smith of Nevada	367
54	Concurrent Resolution relative to leave of absence of S. P. Scaniker, of Stanislaus County. Walden	440
55	Concurrent Resolution relative to printing Quartermaster-General's report. Welty.	429
56	Concurrent Resolution relative to pay of Clerk and Sergeant-at-Arms of Select Committee on Indian War. Committee on Mileage.	
58	Concurrent Resolution relative to mail route from Carson City to Nevada. Curtis.	481
59	Concurrent Resolution relative to paying Reese & Wilson	
60	Concurrent Resolution relative to pay of Clerk and Sergeant-at-Arms of State Prison Committee. Lovell	501
61	Concurrent Resolution relative to appointment of joint committee to take measures to receive the Japanese Embassy. Pate	528
62	Concurrent Resolution relative to leave of absence to John W. Carrick, Treasurer of Alameda County. Shattuck	558
63	Concurrent Resolution relative to pay of State Translator. Henry	558
64	Concurrent Resolution relative to Governor to cause to be prosecuted a certain suit. Kungle	569
65	Concurrent Resolution relative to rescinding the New Almaden Resolution	
66	Concurrent Resolution relative to adjournment sine die. Shelton	576
67	Concurrent Resolution relative to adjournment sine die. Rodgers of Tuolumne	605
68	Concurrent Resolution relative to printing extra copies of report of Special Indian Committee. Laspeyre	634
69	Concurrent Resolution relative to Indian Reserves in California, Lamar	650
70	Concurrent Resolution relative to a semi-weekly mail from San Luis Obispo to Los Angeles, by land. Covarrubias	650
71	Concurrent Resolution relative to the protest of President Buchanan to the House of Representatives of the United States. Lambert	679
72	Concurrent Resolution relative to printing nine hundred and sixty copies of proceedings of Legislature in regard to the death of Hon. John C. Bell. Conness	679
73	Concurrent Resolution relative to leave of absence of State Treasurer. Conness	688
74	Concurrent Resolution relative to pay of Julius Schultz	691
75	Concurrent Resolution relative to withdrawal of U.S. troops from California. Lamar	696
76	Concurrent Resolution relative to leave of absence of Public Administrator of Tchama County. Stevenson	703
77	Concurrent Resolution relative to rescinding Resolution, No. 67, relative to adjournment size die. Lamar	703
78	Concurrent Resolution relative to instruction to Controller of State. Warner	710

